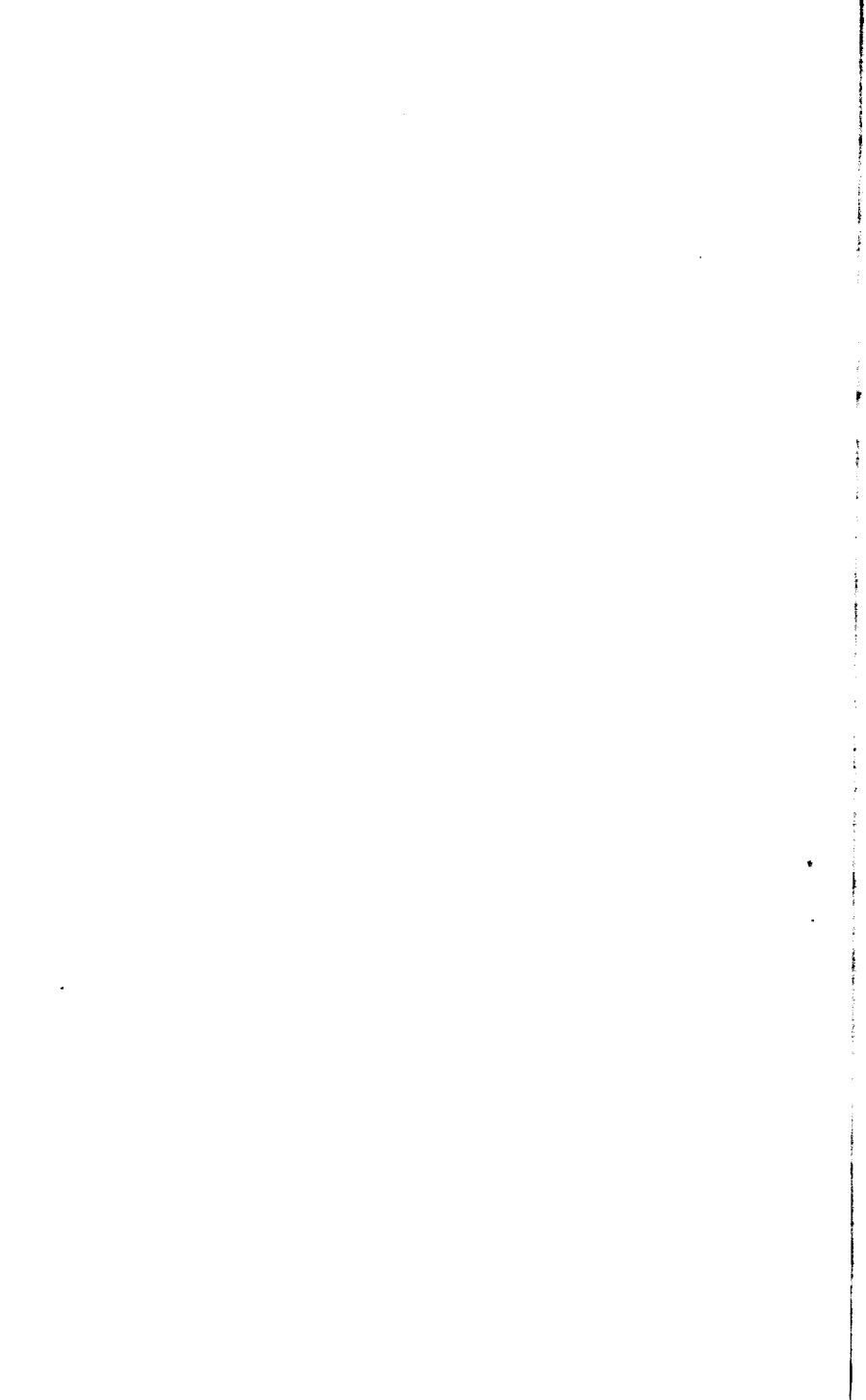


L A W S
OF
HIS MAJESTY KALAKAUA I.
KING OF THE HAWAIIAN ISLANDS,
PASSED BY THE
LEGISLATIVE ASSEMBLY
AT ITS SESSION
1890.

Printed by Order of the Government.

HONOLULU :
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1890.



SESSION LAWS OF 1890.

CHAPTER I.

AN ACT

TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE LEGISLATIVE SESSION OF THE YEAR 1890, FROM THE PUBLIC TREASURY.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:

SECTION 1. There shall be, and there hereby is appropriated the sum of twenty-five thousand dollars (\$25,000) from the Public Treasury for the purpose of defraying the expenses of the Legislative Session of the year 1890.

Approved this 2nd day of June, A.D. 1890.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER II.

AN ACT

RELATING TO THE SUPPRESSION OF PLANT DISEASES,
BLIGHT, AND INSECT PESTS.

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom.*

SECTION 1. The Minister of the Interior is hereby authorized to appoint three competent persons for each port of entry in the Kingdom, or any other place, if necessary, who shall be designated "Commissioners of Agriculture," and from time to time, when such offices become vacant, to appoint competent persons to fill the same.

One of the three members of each commission shall be appointed chairman. A majority of the members of each commission shall constitute a quorum, and have power to act.

SECTION 2. It shall be the duty of such Commissioners to seek to prevent the introduction into this Kingdom of any plant disease, blight, or insect pests injurious to any tree or trees, plant or plants, or vegetation; and to seek to exterminate any such diseases, blight or insect pests now existing or hereafter introduced.

They shall have the power to enter upon any premises where they have reason to believe there is any tree, plant, or vegetation affected with any disease, blight or

insect pest ; and to take all reasonable and proper steps to prevent the spread of any such disease, blight or insect pest, and if after due trial (such trial to be not longer than ten days) it is found by said Commissioners, or one of them, that the trees, plants or vegetation cannot be cured, or the blight destroyed, that then and in such case he or they may order the same destroyed.

SECTION 3. The master of any vessel entering any port of this Kingdom from a foreign port, on which there shall be any plant to be landed in this Kingdom, shall immediately upon arrival notify the customs officers of such fact, and such officers shall at once cause the Commissioners to be notified, and shall not permit the plant, nor any of the soil, containers or coverings connected with the same, to be removed from the vessel until one or more of the Commissioners shall have inspected and passed the same.

SECTION 4. Whenever after careful examination and attention a Commissioner shall have reason to believe that any plant imported from a foreign port is affected with any disease, blight or insect pest, he shall report the same to at least one other of the Commissioners, and if any two of such Commissioners shall decide that such plant is so affected, they shall cause such plant to be utterly destroyed, together with its container and coverings ; and shall dispose of the soil, if any, in which such plant was imported in such manner as shall destroy any disease, blight or insects which may be in the same.

SECTION 5. It shall be the duty of every person to report immediately to the nearest Commissioner any tree, plant or vegetation on or about his own premises

or the premises of another which he shall have reason to believe is affected with disease, blight or insect pest.

SECTION 6. The Commissioners for the Island of Oahu, subject to the approval of the Minister of the Interior, may make such regulations for the Kingdom as they judge necessary for the public safety in the prevention of the introduction or spread of plant diseases, blight and insect pests. Due notice of all such regulations shall be given in the Hawaiian, English, Portuguese, Japanese and Chinese languages.

SECTION 7. Any person violating any of the provisions of this Act, or any of the regulations of the Commissioners, after the same shall have been duly approved and published, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any police or District Magistrate shall be fined not more than one hundred dollars.

SECTION 8. The Commissioners shall continue in office during the pleasure of the Minister of the Interior, and shall serve without pay ; but they may be allowed such reasonable expenses as the Minister of the Interior shall approve.

SECTION 9. For the purpose of carrying into effect the provisions of this Act the Commissioners of Agriculture for the Island of Oahu shall be and are hereby invested with full power to apportion and disburse all sums of money that shall be appropriated by the Legislature for this purpose. All drafts upon the public treasury for expenditures under this Act shall be drawn by the Chairman of the Commissioners for the Island of Oahu, and countersigned by the Minister of the Interior.

SECTION 10. This law shall take effect from the date of its passage.

Approved this 16th day of July, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER III.

AN ACT

TO TRANSFER FROM THE DEPARTMENT OF THE INTERIOR TO THE DEPARTMENT OF THE ATTORNEY-GENERAL THE CARE AND CUSTODY OF PRISONERS.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:

SECTION 1. From and after the passage of this Act the care and custody of all prisoners detained in any prison of the Kingdom shall be transferred from the Department of the Interior to the Department of the Attorney-General, and shall be included in, and appertain exclusively to, the Department of the Attorney-General, except as hereinafter otherwise provided.

SECTION 2. The Attorney-General shall hereafter exercise all such authority, supervision and control, over the Marshal and his subordinates, in relation to the care and custody of prisoners, as has heretofore been

vested by law in the Minister of the Interior, and the Marshal shall hereafter be responsible to the Attorney-General in all matters appertaining to the care and custody of prisoners, in like manner as he has heretofore been responsible to the Minister of the Interior in respect thereof.

SECTION 3. In all respects wherein the Minister of the Interior has heretofore by law been invested with any power of approval of the appointment of prison officers, or any discretion to regulate the discipline or the pay of such officers, or the discipline of prisoners, such rights of approval and discretion are hereby vested in the Attorney-General.

SECTION 4. The Marshal shall at all times, notwithstanding anything hereinbefore contained, hold all such prisoners as shall be confined under sentence of imprisonment at hard labor, at the disposal of the Minister of the Interior, to be employed by said Minister on the public works, or otherwise, as said Minister, under the law, shall direct.

SECTION 5. This Act shall take effect from and after its passage, and all laws and parts of laws in conflict with any of the provisions hereof are hereby repealed.

Approved this 16th day of July, A. D. 1890.

KALAKAUA REX.

BY THE KING:

C. N. SPENCER,

Minister of the Interior.

CHAPTER IV.

AN ACT

TO AMEND CHAPTER XXXI. OF THE SESSION LAWS OF 1882, ENTITLED: "AN ACT TO ADMIT FERTILIZERS FREE OF DUTY."

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. That the said Act shall be, and the same is hereby amended to read as follows :

From and after the publication of this Act, fertilizers of every description, whether natural or manufactured, applicable to the soil, and all materials to be used solely, and exclusively for the manufacture of fertilizers, shall be admitted duty free, when imported into this Kingdom.

Approved this 23d day of July, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER V.

AN ACT

TO AMEND AN ACT APPROVED MAY 13TH, A. D. 1859,
ENTITLED: "AN ACT TO AID IN THE ESTABLISH-
MENT OF HOSPITALS FOR THE BENEFIT OF SICK AND
DISABLED HAWAIIAN SEAMEN."

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom :*

SECTION 1. That Section 1 of the Act approved May 13th, A. D. 1859, entitled: "An Act to aid in the establishment of Hospitals for the benefit of Sick and Disabled Hawaiian Seamen," be, and the same is hereby amended so as to read as follows :

Section 1. Every vessel arriving from a foreign port at any of the ports of this Kingdom with passengers on board, shall be subject to a tax of one dollar for each of the passengers who shall enter the Kingdom, and this tax shall form a part of the port charges and shall be paid to the collector of the port, and no collector shall grant a clearance to any such vessel until the same be paid.

SECTION 2. That Section 3 of the said Act be, and the same is hereby repealed.

SECTION 3. That the said Act be, and the same is hereby amended by adding thereto a new section to be called Section 5, which shall be as follows :

“Section 5. That for the purposes of this Act “Hawaiian Seamen” shall be construed to mean any and all persons engaged under shipping articles, upon any vessel of Hawaiian Register.”

SECTION 4. That this Act shall take effect and become law from and after the date of its approval.

Approved this 23d day of July, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER VI.

AN ACT

TO AMEND SECTION 3, CHAPTER XXXV. OF THE SESSION LAWS OF 1886, RELATING TO THE CURRENCY.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. Section 3 of Chapter XXXV. of the Session Laws of 1886, being an Act entitled : “An Act to Regulate the Currency of the Hawaiian Kingdom,” approved October 15th, 1886, be, and is hereby amended so as to read as follows :

Section 3. The Minister of Finance shall receive on deposit Hawaiian Silver Coin to any amount not less than twenty dollars, and issue certificates of deposit

payable to bearer therefor, of the denominations of Twenty, Fifty, One Hundred and Five Hundred Dollars respectively, setting apart as a special deposit the money so received, as security for the redemption of such certificates.

SECTION 4. This Act shall take effect and become a law from and after the date of its approval.

Approved this 23d day of July, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER VII.

AN ACT

TO PROVIDE FOR A POLICE JUSTICE FOR THE DISTRICT
OF MAKAWAO, ISLAND OF MAUI.

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom :*

SECTION 1. That the District Justice appointed for the District of Makawao, Island of Maui, shall by appointment be Police Justice for the said District; and he shall have the like authority and jurisdiction in the Second Judicial Circuit as is now, by law, conferred upon Police Justices in other Judicial Circuits.

SECTION 2. This Act shall take effect from and after its approval.

Approved this 23d day of July, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER VIII.

AN ACT

TO PROVIDE FOR THE PAYMENT OF SALARIES AND EXPENSES OF THE GOVERNMENT, UNTIL THE 30TH DAY OF SEPTEMBER, A. D. 1890.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. The Minister of Finance is hereby authorized to continue to pay Salaries of Government Officers and the expenses of the several departments and Bureaus of the Government enumerated in Sections 1 and 3 of Chapter LXXV. of the Laws of 1888, until the 30th day of September, A. D. 1890, unless a new Appropriation Bill be passed by the Legislature before said last mentioned date.

SECTION 2. This Act shall take effect upon the date of its approval.

Approved this 6th day of August, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER IX.

AN ACT

RELATING TO THE FORECLOSURE OF MORTGAGES BY NOTICE
AND SALE AT AUCTION.

WHEREAS, doubts have arisen as to the true intent and meaning of Section 1 of an Act entitled "An Act to provide for the Sale of Mortgaged Property without Suit or Decree of Sale," approved the 18th day of July, 1874, being Chapter 33 of the Laws of 1874, and, Whereas, the true intent and object of said section, and of any law to provide for foreclosure of mortgages without suit, ought to be to reduce expenses and outlay to the mortgagor, while giving the widest publicity to the sale of the mortgaged premises, in order to obtain the greatest possible price, Therefore,

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. That the true intent and meaning of Section 1 of "An Act entitled an Act to provide for the Sale of Mortgaged Property without Suit and Decree of Sale," approved July 18, 1874, being Chapter 33 of the Laws of 1874, has been and now is : that the notice of intention of foreclosure might also contain a description of the mortgaged property and a statement of the time and place proposed for the sale thereof at any time after

the expiration of three weeks from the date when first advertised : and also that the affidavit contemplated by said section might lawfully be made by any person duly authorized to act for the said mortgagee, and in such capacity conducting the foreclosure.

SECTION 2. This Act shall become a Law from and after the date of its approval.

Approved this 6th day of August, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER X.

AN ACT

TO AMEND THE LAW RELATING TO THE HAWAIIAN POSTAL SAVINGS BANK.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:

SECTION 1. That Chapter XLVI. of the Laws of 1884, be and the same is hereby amended by adding thereto a new section, to be called Section 19, which shall read as follows :

Section 19. The Minister of Finance is hereby authorized to issue Coupon Bonds of the Hawaiian Government up to the amount of One Million Dollars, to be

styled the "Postal Savings Bank Loan" to be issued to depositors in the Hawaiian Postal Savings Bank, who may apply for the same to be made payable in periods of not less than five or not more than ten years at the option of the Minister of Finance, and to bear interest at a rate not to exceed 5 per cent. per annum, to be paid semi-annually, principal and interest payable in gold coin of the United States of America, or its equivalent. Any such depositor with an aggregate credit on his pass book of not less than five hundred dollars in gold coin of the United States of America, which shall have been on deposit at least six months, who shall apply to the Postmaster-General for such Bonds shall be entitled to an issue of an amount thereof in sums of One Hundred Dollars or multiples thereof, which amount shall immediately be withdrawn from said depositor's account with the Postal Savings Bank, and provided that no depositor shall be entitled to Bonds in excess of two thousand five hundred dollars."

SECTION 2. This Act shall take effect and become a law from and after the date of its approval.

Approved this 6th day of August, A. D. 1890.

KALAKAUA REX.

BY THE KING:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XI.

AN ACT

TO AMEND THE LAW RELATING TO THE HAWAIIAN POSTAL SAVINGS BANK.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. That Section 7 of Chapter XLVI. of the Laws of 1884, be and is hereby amended so as to read as follows :

Section 7. Interest on deposits shall be calculated to the thirty-first day of December in every year and shall be added to and become a part of the principal money ; and the Postmaster-General shall on that day of each year furnish the Minister of Finance with a sworn statement of the rate of interest and the amount thereof calculated and actually passed to the credit of the depositors on the books of the Postal Savings Bank.

SECTION 2. That the last paragraph of Section 8 of said Chapter be and is hereby amended so that it shall read as follows : All moneys received to this account as well as the reserve in the hands of the Postmaster-General as ex-officio Manager of the Hawaiian Postal Savings Bank, shall be deemed and treated as part of the public debt, for which the Treasury is responsible to the depositors and the Treasury account shall on the first day of January, be credited as of that day with the

interest actually allowed and paid to depositors under this Act for the previous year ending December thirty-first.

SECTION 3. That Section 13 of said Chapter as amended by Chapter XXXIX. of the Laws of 1888, is hereby further amended so as to read as follows :

Section 13. All expenses incurred in the execution of this Act, shall be paid out of the appropriations for the General Post Office.

SECTION 4. This Act shall take effect and become law from and after the date of its approval.

Approved this 6th day of August, A. D. 1890.

KALAKAUA REX,

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XII.

AN ACT

TO AMEND THE LAW TO GIVE GREATER SECURITY TO DEPOSITORS IN THE HAWAIIAN POSTAL SAVINGS BANK.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:

SECTION 1. That Section 1 of Chapter XXXVIII of the Laws of 1888 be and is hereby amended by adding

thereto, the words "with the amount of the interest credited thereon and added thereto on December thirty-first of each year" so that the section shall read as follows:

Section 1. In order to give greater security to depositors in the Hawaiian Postal Savings Bank, and to facilitate the repayments to depositors in case of withdrawals of deposits in excess of the ordinary course of business, the Minister of Finance is hereby authorized to issue Coupon Bonds of the Hawaiian Government for the amount of the Postal Savings Bank Deposits, on deposit in the Treasury on the first day of July, 1888, and on the first day of January and July of each year hereafter, he is hereby further authorized to issue such Bonds up to the amount of the net Postal Savings Bank Deposits paid into the Treasury during the six months next preceding such date of issue, with the amount of the interest credited thereon and added thereto on December thirty-first of each year

SECTION 2. That Section 3 of the said chapter be and is hereby amended by adding thereto the words "but he shall not draw the interest thereon, and before negotiation of such Bonds as provided by Law, it shall be his duty to detach all interest coupons on the Bonds that have accrued, and deposit the same in the office of the Minister of Finance where they shall be cancelled" so that the Section shall read as follows:

Section 3. Such Bonds shall be held by the Postmaster-General in trust as security for deposits in the Hawaiian Postal Savings Bank, but he shall not draw the interest thereon and before negotiation of such Bonds as provided by Law it shall be his duty to detach

all interest Coupons on the Bonds that have accrued and deposit the same in the office of the Minister of Finance where they shall be cancelled.

SECTION 3. This Act shall take effect, and become law from and after the date of its approval.

Approved this 6th day of August, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XIII.

AN ACT

TO AMEND SECTION 915 OF THE CIVIL CODE AS AMENDED BY CHAPTER 22 OF THE SESSION LAWS OF A. D. 1874.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. Section 915 of the Civil Code as amended by Chapter 22 of the Session Laws of A. D. 1874, is hereby amended by striking out the word "Two" and inserting in the place thereof the word "Three" so that the Section shall read as follows :

"Each of said District Justices shall have jurisdiction subject to appeal to hear and determine all civil cases wherein the property involved in controversy, or the amount of plaintiffs demand does not exceed three hun-

dred dollars in which the party defendant is resident, or for the time being is found within his district, whether the parties be natives or foreigners, except that, in any district where there is a Police Justice, the District Justice shall not have jurisdiction in any case in which either party is a foreigner by birth."

SECTION 2. This Act shall become a law from the date of its passage, and all laws and parts of laws inconsistent herewith are hereby repealed.

Approved this 6th day of August, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XIV.

AN ACT

TO PREVENT THE COUNTERFEITING OF FOREIGN POSTAGE
STAMPS, ETC.

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom:*

SECTION 1 The fabrication, sale, distribution or utterance of any imitation of any foreign postage, revenue, or telegraph stamps, post cards, stamped envelopes, or other official impressions of fixed value, obtained by any process whatever, is prohibited.

SECTION 2. Any infraction of the preceding Section shall be punished upon conviction before any Police or

District Justice by imprisonment at hard labor for not more than six months, or by fine not exceeding Five Hundred Dollars (\$500), or both, and the dies, material or other apparatus used shall be confiscated.

SECTION 3. This shall become a Law from the date of its approval.

Approved this 2nd day of September, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XV.

AN ACT

TO AMEND SECTION 1 OF AN ACT APPROVED ON THE 13TH DAY OF AUGUST, A. D. 1880, PROVIDING A SPECIAL LICENSE FOR THE SALE OF SALMON, SAID ACT BEING CHAPTER XXVI. OF THE LAWS OF 1880.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. Section 1 of the said Act is hereby amended by striking out the word "twenty" in the latter part of the said Section, and inserting therein the word "ten", so that said Section shall read as follows :

"Section 1. The Minister of the Interior shall give to every person applying therefor a License to Sell

Salmon, at retail, for the term of one year. The price of the said license shall be Ten Dollars.

SECTION 2. This Act shall become a law from the date of its approval, and all laws or parts of laws inconsistent herewith are hereby repealed.

Approved this 2nd day of September, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XVI.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND SECTION 893 OF THE CIVIL CODE, ENLARGING THE POWERS OF THE POLICE COURTS IN CERTAIN CIVIL CASES," APPROVED JUNE 22, A. D. 1868.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:

SECTION 1. The Act entitled "An Act to amend Section 893 of the Civil Code enlarging the powers of the Police Courts in certain Civil Cases," approved June 22nd, 1868, is hereby amended by striking out the word "two," and inserting in the place thereof the word "three," so that the latter part of the Section shall read as follows: "They shall have exclusive original jurisdic-

tion within their respective districts over all police cases proper, and over all cases where the amount of property in dispute shall not exceed three hundred dollars. Their Criminal jurisdiction shall be co-extensive with their respective Circuits for the purposes of the arrest, examination, commitment and enlargement of parties accused.”

SECTION 2. This Act shall become a law from the date of its passage, and all laws and parts of laws inconsistent herewith are hereby repealed.

Approved this 2nd day of September, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XVII.

AN ACT

TO EXTEND THE TIME FOR THE COMPLETION AND EQUIPMENT OF THE INTER-ISLAND SUBMARINE TELEGRAPH CABLE.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. Be it Enacted that the time for the completion and equipments of the Inter-Island Submarine Electric Telegraph Cable, authorized by Chapter XIV.

of the Session Laws of 1888 is hereby extended to J. Sherman Bartholomew, residing in Honolulu, H. I., his associates and assigns with all rights, privileges, and franchise in said Act contained, to the 31st day of July, 1892.

Approved this 2nd day of September, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XVIII.

AN ACT

TO PROVIDE FOR THE QUIETING OF TITLES, ESTATES AND INTERESTS IN REAL PROPERTY.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:

SECTION 1. Action may be brought in the Supreme Court or in any of the Circuit Courts by any person, against another person, who claims adversely to the plaintiff an estate or interest in real property, for the purpose of determining such adverse claim.

SECTION 2. Any person may be made a defendant in such action who has, or claims an interest in the pro-

party adverse to the plaintiff, or who is a necessary party to a complete determination or settlement of the question involved therein.

SECTION 3. If at the time of the commencement of such action the property in question is in the possession of a tenant, the landlord may be joined as a party defendant.

SECTION 4. If in such action the defendant disclaim in his answer any interest or estate in the property or suffer judgment to be taken against him without answer, the plaintiff shall not recover costs.

SECTION 5. This Act shall take effect from the date of its passage.

Approved this 2nd day of September, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XIX.

AN ACT

TO INCREASE THE DUTIES UPON COFFEE FROM FOREIGN COUNTRIES IMPORTED INTO THIS KINGDOM.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:

SECTION 1. There shall be levied, collected and paid upon all coffee of any foreign country imported into

this Kingdom a duty of six cents a pound whether the same be ground or prepared coffee, or not.

SECTION 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

SECTION 3. This Act shall take effect and become law sixty days after the date of its approval.

Approved this 2nd day of September, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XX.

AN ACT

TO AMEND SECTION 102 OF THE CIVIL CODE.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. That Section 102 of the Civil Code be, and the same is hereby amended so as to read as follows :

Section 102. The owner of any boat duly licensed for the harbor of Honolulu shall be entitled, if hired on time, to charge one dollar for each passenger for the first hour, and fifty cents for each succeeding hour irrespective of the number of oars the boat may have.

If hired by distance, fifty cents for each passenger to and from any ship, or any point inside the lighthouse or Waikiki side of the harbor; fifty cents to and from any ship or point between the lighthouse and the outer buoy; and two dollars and fifty cents to and from any ship or point in the anchorage outside of the buoys if the boat have four oars; and only half of said fares, if the boat have less than four oars. Provided always that if the boat shall be detained by any passenger alongside of any ship, or at any point over half an hour, the owner shall be entitled to charge fifty cents for every half hour of such detention.

SECTION 2. This Act shall take effect and become law from and after the date of its approval.

Approved this 2nd day of September, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXI.

AN ACT

TO AMEND SECTION 72 OF THE CIVIL CODE, WITH REGARD TO LICENSES TO KEEPERS OF HOTELS AND VICTUALING HOUSES.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. That Section 72 of the Civil Code be, and the same is hereby amended by adding thereto, the fol-

lowing provision, to-wit: Provided the applicant produces a certificate from an Officer or Agent of the Board of Health that the premises to be used under the license are in good sanitary condition, and the license shall contain a condition that the premises be kept in such condition, so that the said Section shall read as follows: "Section 72. The Minister of the Interior may grant a license, to any person applying therefor in writing, to keep a Hotel or Victualing House for the term of one year, upon receiving the sum of Fifty Dollars; provided the applicant produces a certificate from an Officer or Agent of the Board of Health that the premises to be used under the license are in good sanitary condition, and the license shall contain a condition that the premises be kept in such condition."

SECTION 2. This Act shall take effect and become law from and after the date of its approval.

Approved this 2nd day of September, A. D. 1890.

KALAKAUA REX.

BY THE KING:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXII.

AN ACT

TO PROVIDE FOR A POLICE JUSTICE FOR THE DISTRICT OF
EWA, ISLAND OF OAHU.

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom:*

SECTION 1. That the District Justice appointed for the District of Ewa, Island of Oahu, shall by appoint-

ment be Police Justice for the said District, and he shall have the like authority and jurisdiction in the First Judicial Circuit as is now by law conferred upon Police Justices in other Judicial Circuits of the Kingdom.

SECTION 2. This Act shall take effect from and after its approval.

Approved this 2nd day of September, A. D. 1890.

KALAKAUA REX.

BY THE KING:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXIII.

AN ACT

TO TRANSFER THE ISLAND OF KAHOOLOWE FROM THE TAXATION, EDUCATIONAL AND JUDICIAL DISTRICT OF LAHAINA TO THE DISTRICT OF WAILUKU.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. From and after the date of the passage of this Act, the Island of Kahoolawe shall for Taxation, Educational and Judicial purposes be, and the same hereby is transferred from the District of Lahaina to the District of Wailuku.

SECTION 2. This transfer shall not affect or change any right or obligations which may have accrued and become fixed prior to the passage of this Act.

Approved this 2nd day of September, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXIV.

AN ACT

TO AMEND SECTION 429 OF THE CIVIL CODE, AS AMENDED BY CHAPTER X. OF THE SESSION LAWS OF 1887.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:

SECTION 1. Section 429 of the Civil Code, as amended by Chapter X. of the Session Laws of 1887, is hereby amended so that the same shall read as follows: "Section 429. The Minister of the Interior, by and with the consent of the Cabinet, may, in their discretion, upon the application of any alien foreigner, who shall have resided within the Kingdom two years or more next preceding such application, stating his intention to become a permanent resident of the Kingdom, administer or cause to be administered the oath of allegiance to such foreigner, and cause such foreigner

to subscribe thereto, provided that such foreigner is not a pauper nor a refugee from the justice of some other country.

“If such applicant shall be a resident of any Island other than Oahu, he may, after the Cabinet shall have approved of his application, take the oath of allegiance before any Judge of a Court of Record, which Judges are hereby authorized to administer such oaths.”

SECTION 2. This Act shall become a Law from and after the date of its approval.

Approved this 2nd day of September, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXV.

AN ACT

TO AMEND SECTION 1, CHAPTER II, OF THE SESSION LAWS OF 1886, BEING AN ACT ENTITLED “AN ACT TO REGULATE THE ERECTION AND REPAIRING OF BUILDINGS IN THE CITY OF HONOLULU WITHIN CERTAIN FIRE LIMITS.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. That Section 1, of Chapter II, of the Session Laws of 1886, be and the same is hereby

amended to read as follows: "Section 1. That part of the City of Honolulu which is bounded as follows, to-wit: By the water front, by the easterly side of Maunakea Street, extending from the water front to the south corner of King Street; thence along the makai side of King Street to a point intersecting the easterly line of Kouia (formerly Smith) Street; thence along the easterly side of Kouia (formerly Smith) Street to a point eighty feet mauka of Hotel Street; thence easterly along a line eighty feet mauka and parallel with said Hotel Street to the westerly or Ewa line or side of Alakea Street; thence from a point eighty feet mauka of the westerly or Ewa side of Alakea Street, where the same intersects with the northeast corner of Hotel Street; thence running from said point along the westerly or Ewa side of Alakea Street to the makai westerly corner of King Street; thence at right angles across King Street to a point eighty feet easterly of the easterly line of Alakea Street; thence along a line eighty feet easterly and parallel with said easterly line of Alakea Street to the water front, including all the land now or hereafter to be reclaimed within the said limit; also both sides of Nuuanu and Fort Streets, between Hotel and Beretania Streets, to a distance of eighty feet from each side, shall be known as the Fire Limits of Honolulu. On all streets where one side only is within the Fire Limits the buildings on the opposite side (if not fire proof) shall not exceed one story, of not over sixteen feet in height, and the highest point or ridge pole of the roof shall not be thirty feet above the street grade.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of September, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXVI.

AN ACT

TO REGULATE THE DRAWING OF TALESMEN IN JURY TRIALS
AND TO AMEND SECTION 1199 OF THE CIVIL CODE.

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom :*

SECTION 1. Whenever a sufficient number of Jurors, regularly summoned, do not appear, or cannot be obtained, to form a jury in any case, civil or criminal, the Court may order the Marshal to summon talesmen. Two talesmen may be summoned from among the bystanders, if no objection is made by any party to the cause. If more than two talesmen should be required, or if objection be made to summoning any bystander, the Clerk shall draw such number of names as may be required from a box containing all the remaining names of the fifty last semi-annually selected as Jurors by the Clerk, in concert with some Judge, as provided in Section 1, of Chapter XVII., Laws of 1870. Whenever said

list shall be exhausted before proceeding with the trial of the cause before the Court, a new list of fifty names shall be prepared in the manner provided in Section 1, of Chapter XVII., Laws of 1870, and such talesmen as may be required shall be drawn by the Clerk from such list. And new lists of fifty names shall be prepared from time to time, as may be required. The persons whose names are so drawn shall be forthwith summoned to appear as Jurors in the cause on trial.

SECTION 2. All laws and parts of laws inconsistent herewith are hereby repealed.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of September, A. D. 1890.

KALAKAUA REX.

BY THE KING:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXVII.

AN ACT

TO REPEAL SECTIONS 142, 144, 145 AND 155 OF THE CIVIL CODE, AND SECTION 143 OF THE CIVIL CODE, AS AMENDED BY AN ACT ENTITLED "AN ACT TO AMEND SECTIONS 143 AND 146 OF THE CIVIL CODE, APPROVED DECEMBER 31ST, 1864, AND ALSO SECTIONS 14, 15, 16, 17 AND 27, OF CHAPTER LXXI., OF THE PENAL CODE."

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. That Sections 142, 144, 145 and 155 of the Civil Code, and Section 143 of the Civil Code, as amended by an act entitled "An Act to Amend Sections 143 and 146 of the Civil Code, Approved December 31st, 1864, and also Sections 14, 15, 16, 17 and 27, of Chapter LXXI., of the Penal Code," are hereby repealed.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of September, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXVIII.

AN ACT

RELATING TO LICENSES ISSUED BY THE INTERIOR DEPARTMENT.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. From and after the passage of this Act, all persons holding a License from the Interior Department for any class or kind of business shall keep said License exposed to view, in some prominent place, convenient for inspection, on the premises for which the same is granted. Any failure to comply with the requirements of this Section, shall, upon complaint to the nearest Police or District Justice, subject the party, or firm, under whose name the License is held, to a fine of not less than \$10 or more than \$50.

SECTION 2. If any person or persons holding a License from the Interior Department shall close out, transfer or assign the business for which said License is held, during the term for which the same was issued, they shall within thirty days from the date of such closing out, transfer or assignment, notify the Minister of the Interior of such fact in writing, and return said License to the Interior Office for cancellation, under a penalty of \$100, upon complaint to any Police or District Justice.

SECTION 3. All Licenses issued by the Interior Department shall be signed by the Minister of the Interior or his Chief Clerk, and impressed with the Seal of the Department.

SECTION 4. This Act shall become a law on the date of its approval, and all laws or parts of laws inconsistent herewith are hereby repealed.

Approved this 2nd day of September, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXIX.

AN ACT

TO AMEND SECTION 2 OF AN ACT ENTITLED "AN ACT TO PROHIBIT THE PEDDLING AND HAWKING FOR SALE OF CAKES OF EVERY DESCRIPTION IN THIS KINGDOM WITHOUT A LICENSE," APPROVED JULY 13TH, A. D. 1874.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. That Section 2 of an Act entitled "An Act to prohibit the peddling and hawking for sale of cakes of every description in this Kingdom without a License," approved July 13th, A. D. 1874, be and the

same is hereby amended so as to read as follows :
 "Section 2. The Minister of the Interior may issue a License to any one applying in writing for the same for the peddling and hawking of cakes on any one of the Hawaiian Islands for one year ; provided that the applicant shall be a resident of the Island for which he applies to be licensed, and provided also that the application shall be accompanied by the written recommendation of the Sheriff of the Island for which the license is required. The fee for each license shall be the sum of \$25."

SECTION 3. This Act shall become a law on the date of its approval.

Approved this 2nd day of September, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXX.

AN ACT

TO ENABLE TRIALS OF CASES TO BE PROCEEDED WITH IN THE SUPREME COURT, IN ADDITION TO THE TRIALS REGULARLY HOLDEN BEFORE THE JUSTICE PRESIDING AT THE TERM.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. Whenever the press of business shall require it, it shall be lawful for the Chief Justice of the Supreme Court, or in his absence the Senior Associate Justice thereof, to order from time to time cases on the calendar of the Supreme Court, at any regular term, to be tried in any Court Room of Aliiolani Hale in Honolulu not in occupation, in addition to the trials holden by the Justice of the Supreme Court presiding at the term. Such trials shall be presided over and held by a Justice of the Supreme Court, and be attended by the Clerk or one of the Deputy Clerks of the Supreme Court, and all proceedings, orders, judgments and decrees therein made, and writs and processes issued shall have the same force and effect to all intents and purposes as if the case had been tried in the regular Court Room, before the Justice presiding at the term. The cases so to be tried may be proceeded with concurrently with the trials before the Justice presiding at the term.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of September, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXXI.

AN ACT

TO FURTHER PROMOTE THE CONSTRUCTION OF RAILWAYS
ON THE ISLAND OF OAHU.

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom :*

SECTION 1. The time granted for the construction of steam railroads on the Island of Oahu, as prescribed by Section 2, Chapter LXII. of the Laws of 1888, is hereby extended to five years from the date of the passage of this Act, and the time of the exclusive franchise therein named to fifty years from the date of the passage of said Act. Provided that such extension of exclusive franchise shall apply only to such portions of railroad as said company shall construct in the Districts of Waianae, Waialua, Koolauloa and Koolaupoko, or any of said Districts.

SECTION 2. For each mile of the main track hereafter constructed under this Act, after the completion

of the Pearl River Division by the said Oahu Railway and Land Company, the Hawaiian Government shall pay a subsidy of seven hundred dollars each year, until the expiration of five years from the date of construction thereof.

SECTION 3. In order that the Hawaiian Government may be from time to time apprised of whatever amounts shall, or might become payable hereunder, the said Oahu Railway and Land Company shall after the close of each quarter-year make a written statement or exhibit of the number of miles of railroad by it constructed ready for operation during the quarter year next preceding. Such statement or exhibit shall be sworn to and filed with the Minister of the Interior; and said Minister, or some person appointed by him, shall have the right at all times to examine and inspect the books of the company.

SECTION 4. The Minister of Finance is hereby authorized and directed to pay whatever amounts may become due and payable to the Oahu Railway and Land Company under the provisions of Section 2 of this Act. Such payments shall be made to the Oahu Railway and Land Company or such persons as it may designate upon the draft of the Minister of the Interior. Before payment of such subsidy reasonable guarantees may be required that the main track has been duly constructed, finished and equipped.

SECTION 5. Nothing herein contained shall be held to interfere with the right of said Oahu Railway and Land Company to exercise all of the rights, powers and privileges granted by said Chapter LXII. of the Laws of 1888, or by the general railway law of the Kingdom,

except as to exemption from taxes, provided however that nothing in this Act shall be deemed to authorize the Minister of the Interior to guarantee or pay any subsidy to said Company under Sections 27 and 28 of the general railway law of the Kingdom.

SECTION 6. This Act shall take effect and become law from and after the date of its approval.

Approved this 15th day of September, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXXII.

AN ACT

TO APPROPRIATE A FURTHER SUM OF MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE LEGISLATIVE SESSION OF 1890 FROM THE PUBLIC TREASURY.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:

SECTION 1. There shall be and there hereby is appropriated the sum of five thousand dollars (\$5,000) from the Public Treasury for the purpose of defraying the expenses of the Legislative Session of the year 1890.

SECTION 2. This Act shall become a law from and after its approval.

Approved this 22nd day of September, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXXIII.

AN ACT

SUPPLEMENTARY TO CHAPTER LV. OF THE SESSION LAWS OF 1888, ENTITLED "AN ACT TO REGULATE THE SALE OF GOODS, WARES AND MERCHANDISE IN THIS KINGDOM BY COMMERCIAL TRAVELLING AGENTS FROM FOREIGN COUNTRIES.

PREAMBLE.

WHEREAS difficulty arises as to the true definition of the word "sell" as used in Chapter LV. of the Laws of 1888, so that up to the present time it has been almost impossible to secure conviction, now therefore,

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. The word "sell" as used in Chapter LV. of the Session Laws of 1888, besides its usual and

accepted meaning may be also construed to mean the soliciting of orders for goods, wares and merchandise by sample or otherwise.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 22nd day of September, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXXIV.

AN ACT

TO CREATE "CANTONIERS," OR PERMANENT WORKMEN
ON THE PUBLIC ROADS.

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom :*

SECTION 1. The Minister of the Interior shall instruct the Road Supervisors and the Chairmen of the several Road Authorities of the various other districts of the Kingdom, as established by Chapter IX. of the Session Laws of 1887, to present him within three months after the passage of this Act, a description of the locality, routes, and lengths of such Public Roads or streets in their several Districts, where the amount of traffic, or the special climatic influences may appear to necessitate constant attention and work, justifying the appointment of permanent Road Workers.

SECTION 2. The Minister of the Interior shall also issue proper rules and regulations for the organization of a regular corps of permanent Road Workers to be called "Cantoniers" who shall be appointed by him, on the recommendation of the local Road Authorities and assigned to the several public streets, or roads, or portion of roads, such as shall be deemed by the Road Authorities to require the constant work of these Cantoniers.

SECTION 3. The Cantoniers shall work under the orders and supervision of the different Road Authorities as above mentioned, or as may be hereafter constituted.

SECTION 4. To each Cantonier shall be entrusted such a length of public road or street as may be necessary so that each man may have enough to keep him usefully engaged all the year round. Such lengths of road shall be called "Sections" classified and distinguished by a progressive number, by which the respective Cantoniers shall also be known.

SECTION 5. The duty of every Cantonier shall be to give all of his time to the labor required to keep his section in the best possible good order for public traffic under the supervision of the Road Authorities, subject however, to the regulations and orders of their superiors.

(A.) Visit the whole length of his section once a week, and notify the proper authorities of any extraordinary occurrence ;

(B.) Attend to the prompt and thorough drainage of all water from the road-bed, by keeping the side and transverse ditches and gutters well cleaned and opened ;

(C.) Make all repairs necessary to secure the conservation of the road-beds, and fill up without delay, all ruts and holes and other forms of wear and tear, so that the road or street may be always clean and dry, with a regular and hard surface, so as to avoid the necessity of heavy repairs ;

(D.) Remove all filth and weeds from the road-beds and scrape away the dust or mud, and attend to the proper conservation and cleanliness of the sidewalks, banks and taluses ;

(E.) Prepare the stones, sand and other material necessary for the repairs, collect these from the adjoining lands with the permission of the landowners, when such material is not furnished by the Road Authorities, and keep such material in proper heaps along the roads ;

(F.) Keep free from filth and weeds the sides and approaches of bridges, parapets, and other walls, and verify their good condition ;

(G.) Attend to the planting and care of trees along the road-sides, when so ordered, and keep trimmed the existing trees which may obstruct the public traffic ;

(H.) Attend to the security of their various sections by placing signals at dangerous points or temporary obstacles ; prevent people from digging, scraping or otherwise damaging the roads, from throwing stones or other impediments to public traffic, or allowing water to run on the road from neighboring properties ; and otherwise attend to the proper observance of all police regulations concerning the public highways ;

(I.) Take statistical notes of the traffic if so required and generally perform, in connection with their various

sections, all work that may be ordered by the Road Authorities.

SECTION 6. Each Cantonier shall be bound to attend to work on his section of road each and every day of the year,—Sundays and legal holidays excepted,—bad weather being no excuse for non-attendance at work; and whenever known to be absent without good and sufficient excuse, he shall be fined by the Road Authorities, to the amount of double his regular wages, for each day of absence. When a Cantonier wishes to absent himself for any purpose or take a vacation, he must put a man in his place, with the consent of the Road Authorities.

SECTION 7. Each Cantonier shall receive a fixed salary payable at the end of each calender month, and based on the most liberal price of wages paid in the district for similar work; this monthly salary shall be paid by the Road Authorities out of the taxation moneys, regularly provided by the law for the road purposes of each district.

SECTION 8. Each Cantonier shall be furnished by the Government through the local Road Authorities, with all the necessary tools for the accomplishment of his work, for the care and preservation of which he shall be responsible, the proper wear and tear being duly allowed; but his wages shall be liable to deduction for loss, or undue breakage.

SECTION 9. The Cantoniers shall be selected preferably amongst native Hawaiians or foreigners of long residence, care being taken to choose the most competent for the work, of good health and conduct, and

living as near as possible to the sections of road allotted to them. When found practicable or desirable by the Road Authorities with the consent of the Minister of Interior, special houses may be built by the Government for the residence of the Cantoniers of sections where the road traverses parts of country sparsely inhabited.

SECTION 10. Whenever, by sudden accident or unforeseen circumstance, the state of the road may require urgent repairs to which the Cantonier finds himself incapable of attending alone, he must immediately notify the Road Authorities who shall have power to call upon such of the neighboring Cantoniers as may be conveniently taken away from their sections, and send them to help the other one; each Cantonier thus called out of his section being entitled to a gratuity of one-fifth extra pay for each day of work.

SECTION 11. When any portion of any section of road or street requires special work, of such magnitude that it cannot be attended to by the available neighboring Cantoniers, or when any individual Cantonier needs any particular assistance on his section, the Road Authorities shall allow the necessary extra help from available prisoners or outside day laborers as may be required by the state of the road, such prisoners or helpers working under the superintendence of the Cantonier of the section, if no special superintendent is delegated by the Road Authorities.

SECTION 12. When found necessary, the Road Authorities shall have power to entrust to special men, to be called "Chief Cantoniers," chosen amongst the Cantoniers who have distinguished themselves for their

competency and good conduct the power of supervising the different Cantoniers of a district, of visiting their respective sections and of inspecting or directing the usual daily work, and of reporting to the Road Authorities any dereliction of duty on the part of the individual Cantoniers; these chiefs shall receive such extra salary as the Road Authorities may prescribe.

SECTION 13. Each Cantonier at his work shall wear as a distinctive sign, buckled on the left arm, a band of red cloth, with the number of his section affixed in large black figures. A similar yellow-band shall indicate the Chief Cantoniers.

SECTION 14. The regulations provided for in Section 2 may prescribe the necessary punishments for dereliction of duty by the Cantoniers, in fines, dismissal, or otherwise; and also the cases in which the Cantoniers shall be removed or transferred to different sections.

SECTION 15. The Cantoniers may be empowered to act as special policemen in all that relates to the police of the roads.

SECTION 16. A report of the work and cost of all the Cantoniers shall be sent biennially by the different Road Authorities, to the Minister of the Interior for presentation to the Legislature.

SECTION 17. This Act, which shall be known as the "Cantonier Act of 1890," shall take effect from and after the date of its approval.

Approved this 1st day of October, A. D. 1890.

KALAKAUA REX.

BY THE KING:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXXV.

AN ACT

TO PROVIDE ADDITIONAL FACILITIES IN ACQUIRING HOMESTEADS.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. For the purposes of this Act the word "Minister" shall mean the "Minister of the Interior." The word "Homesteader" shall mean any person who has entered into an agreement with the Minister of the Interior, and is in possession of land under the terms of the Homestead law. The word "land-owner" shall mean any person or corporation who shall under the terms of this Act, convey land to the Minister of the Interior for the purpose of having the same divided up and sold as homesteads.

SECTION 2. The Minister is hereby authorized and empowered to enter into contracts with any private person or company whereby lands may be acquired by the Government for homestead purposes. Such contracts shall state an agreed value at which homesteads taken therefrom shall be sold to actual settlers or homesteaders, and shall also set forth all other matters necessary to an equitable fulfilment of such contracts as herein prescribed. Such contracts shall convey the title to the premises in fee to the Minister, conditioned on fulfilment of the contracts.

SECTION 3. Upon the execution of such contract, the Minister shall take possession of the premises covered thereby, and proceed to lay out the same into homestead lots, and to do and perform all other matters, and things relative thereto, required by the Act entitled "An Act to Facilitate the Acquiring and Settlement of Homesteads," being Chapter XLV. of the Laws of 1884, and the amendment thereto contained in Chapter LIV. of the Laws of 1888, or any amendments hereafter made to the same.

SECTION 4. The costs of surveys, laying out homestead lots, and all other expense incidental thereto, and the cost of collection of interest and the purchase price incurred in connection with such land shall be paid by the Minister, and charged to the landowner, in proper books of account kept for that purpose.

SECTION 5. All payments made on account of the purchase price of any such homestead lot, or on account of interest thereon, shall be received by the Minister and credited to such landowner, in such books of accounts mentioned in Section 4 of this Act.

SECTION 6. At the close of each calendar quarter, if there shall be any excess of receipts on account of any homestead lots, over and above the payments and expenses charged thereto, such excess shall be paid to the landowner from whom such land has been derived.

SECTION 7. The Minister shall cause a record and account to be kept with each landowner who may convey lands for Homestead purposes hereunder, and also with each homesteader acquiring any portion of such land, and any other record which may be deemed necessary in connection therewith.

SECTION 8. Whenever, any homesteader taking land obtained from a landowner under the terms of this Act, shall have complied with all of the terms of his homestead agreement, the Minister shall thereupon execute to such homesteader a deed in fee simple of such homestead.

SECTION 9. This Act shall become a law from and after the date of its approval.

Approved this 1st day of October, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER, .

Minister of the Interior.

CHAPTER XXXVI.

AN ACT

TO REPEAL CHAPTER LXIX. OF THE LAWS OF A. D. 1888, AND TO RE-ENACT SECTIONS 2, 3 AND 4 OF CHAPTER LVI. OF THE PENAL CODE AND ALL THE AMENDMENTS OF SAID CHAPTER, BEING AN ACT APPROVED ON THE 30TH DAY OF JULY, A. D. 1878, AND AN ACT APPROVED ON THE 19TH DAY OF SEPTEMBER, A. D. 1876.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:

SECTION 1. That Chapter LXIX. of the Laws of A. D. 1888, be and the same is hereby repealed.

SECTION 2. That Section 2 of Chapter LVI. of the Penal Code, be and the same is hereby re-enacted to read as follows :

“Section 2. Said Justice shall examine into, hear and determine the complaint, and shall secure if practicable, a reconciliation between the parties; if they become reconciled to each other, no penalty shall be imposed.”

SECTION 3. That Section 3 of Chapter LVI. of the Penal Code, and the Amendment of said Section approved on the 30th day of July, A. D. 1878, be and the same are hereby re-enacted to read as follows :

“Section 3. But if the offending party refuse to return and perform the duties of the marriage contract, he or she may be punished by imprisonment at hard labor for a term not exceeding one month, in the discretion of the Judge.”

SECTION 3A. If the party complained against shall again leave after the first complaint, if either the husband or wife, he or she shall be sentenced to imprisonment at hard labor for a period not exceeding one year.

SECTION 4. That Section 4 of Chapter LVI. of the Penal Code, be and the same is hereby re-enacted to read as follows :

“Section 4. In any suit brought for desertion, it shall be permitted the defendant to prove in self justification the ill conduct of the complainant, and on establishing such defense to the satisfaction of the Court, the suit may be dismissed, the judge awarding the costs as in civil cases, and execution may be issued therefor.”

SECTION 5. Than An Act to amend Chapter LVI. of the Penal Code by the addition thereto of a new section to be denominated Section 5, approved on the 19th day of September, A. D. 1876, be, and the same is hereby re-enacted to read as follows :

“Section 5. The provisions of an Act entitled “An Act to facilitate the service of criminal process” approved on the 23d day of June, A. D. 1868, shall not be applied to the warrant provided for by Section 1 of this Chapter.”

SECTION 6. This Act shall become a law from and after the date of its approval, and all laws inconsistent herewith are hereby repealed.

Approved this 1st day of October, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXXVII.

AN ACT

TO REGULATE THE LICENSING OF LODGING AND TENEMENT HOUSES IN THE DISTRICT OF KONA, ISLAND OF OAHU.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:

SECTION 1. Licenses to keep lodging or tenement houses in the District of Kona, Island of Oahu, may be issued by the Minister of the Interior, to any person applying for the same in writing, and producing a certificate from an Officer, or Agent of the Board of Health that the premises intended to be used under the license are in good sanitary condition.

SECTION 2. The sum of two dollars shall be paid to the Minister of the Interior for such license, which shall be for one year. Shall describe with sufficient accuracy the premises to be used thereunder, and shall be held subject to the following conditions which shall be set out in the license: That the licensee shall not keep a noisy or disorderly house that no prostitutes shall be suffered to enter therein; that the premises will be kept in good sanitary condition, subject to the approval of the Board of Health and in accordance with all the terms of Chapter III. of the Laws of 1880, entitled "An Act to provide for the sanitary condition of Dwelling

Houses" that any Officer of the Police or Board of Health, shall have free access to the same and that upon any breach of the conditions the license shall be revoked.

SECTION 3. Every person who shall keep a lodging or tenement house or shall admit lodgers to his or her dwelling within the said District without first securing from the Minister of the Interior, such a license, shall on conviction pay a fine not exceeding fifty dollars or be imprisoned at hard labor not exceeding thirty days or both.

SECTION 4. This Act shall take effect and become law from and after the date of its approval.

Approved this 1st day of October, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXXVIII.

AN ACT

TO AMEND SECTION 65 OF THE CIVIL CODE AS AMENDED AND APPROVED ON THE 5TH DAY OF AUGUST, A. D. 1882, RELATING TO AUCTION LICENSES.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. That Section 65 of the Civil Code as amended and approved on the 5th day of August, A. D. 1882, be and the same is hereby further amended so as to read as follows :

Section 65. The price of an Auctioneer's License for the District of Honolulu, Oahu, shall be the sum of five hundred dollars and not less than one-half of one per cent. on each sale made, and for all other districts the price of the license shall be fifteen dollars, and not less than one-half of one per cent. on each sale. Provided however that no holder of a retail license shall be entitled to a license to sell at public auction.

SECTION 2. This Act shall become a law on the date of its approval.

Approved this 6th day of October, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXXIX.

AN ACT

TO ESTABLISH AND REGULATE THE NORTH KOHALA
WATER WORKS.

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom:*

SECTION 1. The Minister of Interior is hereby authorized to established Water Works at North Kohala, Island of Hawaii, and supply water to the inhabitants and he shall have the general charge of the pipes and conduits of water supply and of the water, land and property that may be required for such purposes, and may regulate the rates of supply to parties and uses of water and establish all such rules as may be needful for the public interests.

SECTION 2. That said Minister shall appoint some discreet and capable person to be Superintendent of Water Works of North Kohala, whose duty it shall be to keep the conduits or pipes in repair, collect all water rates, to have general charge and supervision of such Water Works under said Minister and perform such other duties in connection therewith as the said Minister may prescribe and such Seperintendent shall make under oath at such times as may be required by said Minister a return of all his receipts and expenditures.

SECTION 3. The Minister of Interior is hereby authorized and empowered to acquire, hold, use and possess

by way of lease, in fee simple or absolutely, such land and water, real estate and property and right of way as may be required for the use, maintenance, increase and development of the Kohala Water Works; provided that in case any water, springs, ponds, land or property shall be acquired by lease, then the said Minister shall enter into such lease only by and with the consent of the Cabinet.

SECTION 4. The said Superintendent with the approval of the said Minister may establish at suitable places, taps and other appliances from which inhabitants of said North Kohala may obtain water under such regulations as may be prescribed, and also public troughs and watering places, and said Minister in his discretion may permit water to be taken and supplied from such designated places to the inhabitants without charge or payment of rates.

SECTION 5. The Superintendent shall receive such compensation as may be fixed by the Minister to be paid out of such moneys as may be appropriated by the Legislature for North Kohala Water Works, unless otherwise provided for by law.

SECTION 6. This Act shall take effect from and after the date of its approval.

Approved this 6th day of October, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XL.

AN ACT

TO AMEND SECTION 3 OF CHAPTER XLV. OF THE SESSION
LAWS OF 1884.

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom :*

SECTION 1. That Section 3 of Chapter XLV. of the Session Laws of 1884, be, and the same is hereby amended by adding the following clause at the end of said Section :

“Nothing in this agreement is to be construed as giving the party of the second part any right to impound live stock trespassing on the said premises until he shall have fenced the said lot as required by this agreement.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 6th day of October, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XLI.

AN ACT

TO AMEND SECTION 1 OF CHAPTER V. OF THE LAWS OF
A. D. 1870, RELATIVE TO GAMING.

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom:*

SECTION 1. That Section 1 of Chapter V. of the Laws of A. D. 1870, be, and the same is hereby amended by striking out the word "and" and inserting in place thereof the word "or," so that said Section shall read as follows:

"Section 1. Whoever is guilty of gaming shall be punished by fine, not exceeding One Hundred Dollars, or by imprisonment at hard labor not exceeding sixty days.

SECTION 2. This Act shall become a law from the date of its approval.

Approved this 6th day of October, A. D. 1890.

KALAKAUA REX.

BY THE KING:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XLII.

AN ACT

TO PROVIDE FOR THE ENFORCEMENT OF CERTAIN LIENS
PERTAINING TO PUBLIC HIGHWAYS IMPROVEMENTS.

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom :*

ENFORCEMENT OF LIEN, BY ACTION OR BY PUBLIC SALE.

SECTION 1. Whenever a lien shall attach to any real property, or any interest therein, or other benefits or betterments or for any part of the expense of any opening, closing or improvement of any public highway in the Hawaiian Kingdom and the amount of such lien shall not be paid in ninety days after such lien attaches, the Minister of the Interior may enforce such lien in the following manner :

1. By a suit in equity in the nature of suits for the foreclosure of mortgage liens.
2. Or by advertisement and sale of premises, rights or property upon which the lien attaches.
3. Or by such other action or suit at law or in equity as may be by law or equity provided for such cases.

ADVERTISEMENT OF SALE AT AUCTION.

SECTION 2. Whenever a lien shall be enforced by advertisement and sale, the Minister of the Interior or Chief Clerk of the Department of Interior shall advertise and publish in one or more newspapers published

in the Kingdom once each week for four consecutive weeks in the English and Hawaiian languages, a notice of sale of the premises upon which such lien attached. All notices and sales may be given and had in Honolulu. Such notice shall be signed by the Minister or Chief Clerk and set forth substantially :

CONTENTS OF NOTICE OF SALE,

1. The date of lien, and for what incurred.
2. Amount of lien and interest.
3. The location of premises and description of the premises sufficient to identify them.
4. The name of owner or party interested in the premises, or rights, or property upon which lien attached when same attached, if known, otherwise to be indicated as unknown.
5. The time and place of sale.
6. A notice to the owners or parties in interest to redeem.
7. Such other matters as may be deemed advisable to attract attention, and cause a fair notice and a fair sale.

SALE TO HIGHEST BIDDER.

SECTION 3. The sale shall be at public auction, and the premises, rights therein or property shall be sold to the highest bidder for cash.

PROCEEDS.

From the proceeds of sale there shall be deducted and paid the amount due on the lien, together with interest, costs, charges, and expenses of recording the lien and enforcing the same, including the certificate of sale, and a deed or deeds to purchaser.

SURPLUS OF PROCEEDS OF SALE.

Any surplus of purchase price shall be paid to the owner or party thereto entitled, if known, otherwise to be deposited in the Public Treasury to the order of the party entitled to same.

DEED.

SECTION 4. On the receipt of the purchase money at any such sale, the Minister of the Interior shall execute and deliver a deed to the purchaser. Such deed shall contain a recitation of the material facts connected with the lien, and the enforcing thereof, and a copy of notice of sale and in all matters connected therewith such deed shall be evidence of the material facts therein stated, and the regularity of all proceedings, and on delivery shall pass the title in the premises or property or rights sold to the purchaser.

LIEN NOT IMPAIRED BY SALE OR TRANSFER OF OWNER.

SECTION 5. No sale or transfer of the property, premises or rights therein, upon which a lien attached, by the party owning or interested therein, shall impair the lien or the enforcement of the lien or sale thereunder.

SWORN CERTIFICATE TO BE RECORDED IN REGISTRY OF DEEDS.

SECTION 6. Within thirty days after the sale the Minister of the Interior, or the Chief Clerk, shall file a sworn certificate setting forth the facts connected with the enforcing of the lien and the sale, in the office of the Registrar of Conveyances in Honolulu for record,

which certificate shall be recorded and indexed in the names of the owners of land, property or rights sold (if known, otherwise indicated as unknown) and of the purchaser thereof; and shall also be indexed under letter H, a title "Highway Lien" with location of highway, and book and page where certificate is recorded.

RIGHT TO REDEEM IN SIX MONTHS.

SECTION 7. At any time within six months after the recording of the certificate of sale, the person or persons owning or interested in the land, property or rights on which the lien attached and the sale made, may redeem the same by paying to the purchaser the purchase price, the expense of deed and recording together with interest on such purchase price, cost, and expense, at the rate of ten per cent. per month from the date of sale. And upon the tender of the amount to redeem, the purchaser shall execute a proper quit claim or release deed, at the expense, however of one making the tender.

RECORD AND INDEXING OF RELEASE OF LIEN.

SECTION 8. When any lien is released or paid, or a sale shall take place enforcing such lien the Registrar of Conveyances shall note on the margin of the Book of Record, opposite the particular lien, the liber and page where the release or certificate of sale has been recorded, and when payment is made to the Minister of the Interior he shall cause note of payment likewise to be entered on the margin of Book of Record in the same manner.

SECTION 9. This Act shall take effect from and after the date of its approval.

Approved this 6th day of October, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XLIII.

AN ACT

TO AMEND CHAPTER XXXI. OF THE CIVIL CODE IN REGARD TO CORPORATIONS.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:

SECTION 1. Joint Stock Companies for the purpose of carrying on any business or undertaking, either Mercantile, Agricultural or Manufacturing, for which individuals may lawfully associate themselves (excepting banking and professional business) shall be incorporated in the following manner and in no other.

SECTION 2. Any number of persons not less than five, a majority of whom are residents in this Kingdom desiring to become incorporated as a joint Stock Company shall sign articles of Association, and acknowledge the same before any officer authorized to take acknowledge-

ments, which articles shall contain the following particulars :

First.—The name of the Corporation, which shall be followed by the word “Limited.”

Second.—The place of its principal office.

Third.—The purpose of the Company.

Fourth.—The amount of its Capital Stock, and if the privilege of subsequent extension of the Capital Stock is asked for, the limit of such extension.

Fifth.—The number and designation of Officers proposed.

SECTION 3. Said Articles of Association shall be recorded in the Office of the Minister of the Interior in a book to be kept for the purpose, which shall at all times during business hours be open to the inspection of the public without charge.

SECTION 4. An affidavit sworn to by the President, Secretary and Treasurer of such Association shall also be filed in the Office of the Minister of the Interior at the time of filing the articles of Association, which affidavit shall set forth the number of shares, amount of capital stock, the names of the subscribers for shares and the amount paid in. When the object of the incorporation is to take over and conduct any existing agricultural, grazing, manufacturing, shipping or trading business or enterprise, the affidavit shall also contain a full description of the property intended to represent the capital stock of the proposed Corporation, a detailed valuation of each item of the said property, and a copy of the conveyance to be made by the owner or owners of said business or enterprise to the proposed Corporation.

SECTION 5. Upon the filing of said Articles of Association and affidavit the persons who have subscribed the same, their associates, successors and assigns, shall thereafter be deemed to be and be a body corporate by the name and style provided in said articles; and shall have succession and corporate existence for such term as may be agreed upon, not to exceed fifty years, and shall have all of the powers; and be subject to all of the liabilities now provided by law for incorporated Companies; and shall be subject to all general laws hereafter to be enacted in regard to Corporations. No stockholder shall be liable for the debts of the Corporation beyond the amount of what may be due upon the share or shares owned by him.

SECTION 6. No Corporation shall engage in business in this Kingdom unless three-fourths of the shares have been subscribed for; nor unless ten per cent. of the capital shall have been paid in, or the Corporation shall have acquired property of a value equal to ten per cent. of its capital.

SECTION 7. Every certificate of stock issued by any Corporation shall plainly state how much of the par value of the same has been paid in.

SECTION 8. Any Company incorporated under the laws of this Kingdom, upon a vote of three-fourths of all the shares at any meeting of the stockholders, may issue and dispose of preferred stock, and may stipulate that the holders of such stock shall be entitled to a dividend not to exceed ten per cent. per annum out of the annual profits of the Company in preference to all other stockholders, and that the holders of such preferred stock may convert the same into common stock at their

election at any time. Any deficiency in dividend upon the preferred stock, below the rate fixed, shall not be made good out of the profits of any succeeding year.

SECTION 9. The Directors of any incorporated Company shall have power to sell at public auction a sufficient number of shares of any stockholder who shall neglect to pay any assessment duly levied upon the shares, until the whole par value has been paid in. Before making such sale, a notice of ten days shall be given to delinquent stockholders residing in this Kingdom, and a notice of intention to sell published for three weeks in the case of delinquent stockholders outside of this Kingdom.

SECTION 10. Any person or persons who shall make a false statement in any affidavit, return, statement or certificate of stock in regard to a corporation, or who shall over value any property mentioned in such affidavit, statement or return, or who shall do business as a corporation or hold themselves out to be a corporation without having complied with the provisions of this Act, shall be held to be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding five thousand dollars. The several Police Justices throughout the Kingdom shall have jurisdiction to try all offences under this Act, and to impose the penalty herein named.

SECTION 11. Section 1445 of the Civil Code, as amended by Chapter XVI. of the Session Laws of 1884, shall not be held to apply to joint stock companies incorporated under this Act, except as to increase of capital stock, but all other provisions of Chapter XXXI. of the Civil Code and amendments thereto not inconsistent herewith

shall apply to joint stock companies formed under this Act.

SECTION 12. No corporation shall be formed for any of the purposes stated in this Act in any other manner than as is above provided.

SECTION 13. This Act shall take effect from and after the date of its approval.

Approved this 24th day of October, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XLIV.

AN ACT

TO AMEND SECTION 13 OF CHAPTER XXXV. OF THE SESSION LAWS OF 1888, ENTITLED "AN ACT TO AMEND AND CONSOLIDATE THE LAW RELATING TO POUNDS, ESTRAYS, BRANDS AND MARKS."

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. That Section 13 of Chapter XXXV. of the Session Laws of 1888, entitled "An Act to Amend and Consolidate the Law relating to Pounds, Estrays, Brands and Marks," be and the same is hereby amended by

striking out the words "shall not exceed one dollar per head" and inserting in place thereof the words "shall not exceed fifty cents per head" so that the Section shall read as follows :

"Section 13. In all cases where animals are taken up for trespass, the actual expenses incurred or a fair allowance for the labor required in catching, driving and conveying such animals to the pound, and of giving notice to the owner of the same shall be added to the forfeits and damages specified in the proceeding Sections. Provided however that the charge for such catching or driving and conveying to the pound shall not exceed fifty cents per head."

SECTION 2. This Act shall take effect from and after the date of its passage, and all laws and parts of laws in conflict herewith are hereby repealed.

Approved this 24th day of October, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XLV.

AN ACT

TO AMEND CHAPTER XXXV. OF THE SESSION LAWS OF 1888, ENTITLED "AN ACT TO AMEND AND CONSOLIDATE THE LAW RELATING TO POUNDS, ESTRAYS, BRANDS AND MARKS," APPROVED AUGUST 11TH, 1888.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:

SECTION 1. That another Section called Section 11A shall be inserted after Section 11 of said Act, which shall read as follows:

"Section 11A. If any of the animals mentioned in Section 9 of this Act, shall trespass or stray upon any of the Government roads in and around the city of Honolulu or upon any Government land in this Kingdom, the Minister of the Interior, or the Road Boards or Road Authorities of the several Districts, or such person or persons that may be thereunto authorized in writing by such Minister or Road Board or Road Authorities are hereby authorized to take up such animals and impound the same in accordance with the provisions of this Act. The owner or owners of such animals so taken up or impounded shall pay to the said Minister or Road Board or Road Authorities or such person as may be authorized by him or them as aforesaid the actual expenses incurred in taking up, driving, etc., the said animals together with all pound fees."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 24th day of October, A. D. 1890.

KALAKAUA REX.

BY THE KING:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XLVI.

AN ACT

FOR THE RELIEF OF HIS MAJESTY THE KING.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:

SECTION 1. The Minister of Finance is authorized to issue bonds, with coupons attached, of the Hawaiian Government for a sum not exceeding One Hundred and Ten Thousand Dollars, which bonds shall be payable by the Hawaiian Treasury and shall be redeemable not less than five nor more than ten years after the date of their issue, and shall bear interest at a rate not to exceed six per centum per annum.

SECTION 2. From the sum received for said bonds, the Minister of Finance shall pay such indebtedness of His Majesty the King, which may have been allowed Him by the Trustees heretofore appointed by Him, not to exceed the sum of One Hundred and Ten Thousand Dollars.

SECTION 3. Before issuing said bonds the Commissioners of Crown Lands, with the permission of His Majesty the King, shall execute and deliver to the Minister of Finance an agreement to pay into the Hawaiian Treasury out of the revenues of the Crown Lands during each year the sum of twenty thousand dollars, until the said sum of one hundred and ten thousand dollars so as aforesaid paid by the Minister of Finance to liquidate the said indebtedness of His Majesty the King be fully paid.

SECTION 4. The bonds so issued by the Minister of Finance shall be such as have heretofore been issued for the National Loan of 1886 and subject to the same exemptions and conditions as to taxes and payments of principal and interest.

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 24th day of October, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XLVII.

AN ACT

TO AMEND SECTION 2, OF CHAPTER XVI., OF THE LAWS OF A. D. 1888, ENTITLED "AN ACT TO LIMIT THE TIME WITHIN WHICH PERMITS FOR CHINESE TO ENTER THE KINGDOM MAY BE USED.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. That Section 2, of Chapter XVI., of the Laws of A. D. 1888, is hereby amended by striking out the word "one" and inserting the word "two" in place thereof, so that said Section shall read as follows: "Section 1. That all permits hereafter issued for Chinese to enter the Kingdom shall state the length of time, not to exceed two years from the date of issue, during which such permits may be used, and no such permit shall be held to extend permission to such Chinese to enter the Kingdom after the expiration of the time so stated. Provided that the Minister of Foreign Affairs, in his discretion, by and with the consent of the Cabinet, may in exceptional cases extend the time herein stipulated."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 24th day of October, A. D. 1890.

KALAKAUA REX.

BY THE KING:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XLVIII.

AN ACT

TO AMEND SECTION 1,463 OF THE CIVIL CODE.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. Section 1,463 of the Civil Code is hereby amended so that the same shall read as follows :

“Section 1,463. Every person of the age of eighteen years and of sound mind may dispose of his or her estate both real and personal by will.”

SECTION 2. This Act shall take effect and become a law from and after the date of its approval.

Approved this 24th day of October, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XLIX.

AN ACT

TO ENCOURAGE THE ESTABLISHMENT OF STEAM COMMUNICATION BETWEEN TAHITI AND THE HAWAIIAN ISLANDS.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:

SECTION 1. The Minister of the Interior is hereby authorized and directed to enter into a contract with any person or Corporation; to be styled the contractor, for the establishment of monthly steam communication between Honolulu and Tahiti.

SECTION 2. Such contract shall by its terms grant to the contractor for the term of two (2) years from its date, all the privileges authorized to be granted by Chapter XLIV. of the Laws of 1874.

SECTION 3. It shall grant to the contractor for the term of two (2) years a subsidy of \$1000 (one thousand dollars) for each round trip of a steamer, to be made once each month between Honolulu and Tahiti.

SECTION 4. It shall contain a condition that the steamer or steamers engaged in such business, shall be of not less than 750 tons register, and shall have a speed of not less than 10 knots per hour.

SECTION 5. It shall contain a condition that all Hawaiian Mails shall be carried by such steamer or steamers

to and from Honolulu and the other ports to which such steamer or steamers may run, without other or further charge than the above mentioned subsidy.

SECTION 4. This Act shall take effect and become a law from and after the date of its approval.

Approved this 24th day of October, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER I.

AN ACT

TO FACILITATE THE COLLECTION OF DEBTS FROM GOVERNMENT BENEFICIARIES.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. Any officer or employee, or other person in the service of the Hawaiian Government, or in receipt of, or entitled to a salary, stipend, wages, annuity or pension from the said Government, or any Department, Board or Bureau thereof, shall, for the purposes of this Act, and of any proceedings hereunder, be known and described as a Government Beneficiary, hereinafter denominated such Beneficiary.

SECTION 2. The salary, stipend, wages, annuity or pension of such beneficiary may be attached for, and applied in the payment of his debts, in the manner prescribed in this Act.

SECTION 3. The creditor of such beneficiary may bring his suit against his debtor, and in his petition or declaration allege, to the best of his knowledge: 1—The office or employment held or pursued by such beneficiary, in or under what Department, Board or Bureau of Government, where he is resident, and where chiefly so employed; 2—The amount of the monthly salary, wages or stipend, or the annual salary or pension, or annuity of such beneficiary; 3—The name and location of the officer of Government through whom such beneficiary is accustomed or entitled to draw his salary, stipend, wages, annuity or pension.

SECTION 4. In his prayer for process, such creditor may include a request to the Court or Magistrate issuing the same to insert therein a direction to the officer serving the same to leave a true copy thereof, (which shall be attested by the Marshal, his Deputy, some Sheriff, Deputy Sheriff or Captain of Police), with the officer in whose hands the salary, stipend, wages, annuity or pension of such debtor are sought to be attached as provided in Section 8 of this Act, such officer being hereinafter named the Garnishee.

SECTION 5. Service of such copy upon such garnishee may be made in any of the manners here described, namely: If he live, or have an office in the district in which such process is issued, by the officer handing such copy to him in person, or by leaving it in his office, in charge of some deputy or clerk or other employee or

attachee of such office; if he live in a district other than that in which such process was issued, by handing such copy to him in person or by depositing it in the nearest post-office, in a sealed envelope, post paid, and addressed to such officer at his accustomed post-office.

SECTION 6. In case of service upon such garnishee, if served by an officer, his certificate of such service, specifying the particulars thereof, shall be *prima facie* proof of such service, and shall be ample for the purposes of Section 8 of this Act, from the time when such copy shall be handed to, or be left in the office of such garnishee, or shall reach him or his office by mail.

SECTION 7. Service of process upon such beneficiary may be made as has been usual or shall be provided in the case of civil suits in general.

SECTION 8. It shall not be incumbent upon such garnishee to appear in any Court or file any answer to such process, but the trial of such suit may proceed, in all respects, as though such garnishee had not been included in the suit. But from the time of the service of such copy upon such garnishee, it shall be unlawful for him to pay, or cause or permit to be paid to such beneficiary as shall be named in such copy, more than seventy-five per cent. of the salary, stipend, wages, annuity or pension which shall then be, or shall thereafter become due, owing or payable to such beneficiary, until the suit against him shall have been withdrawn or dismissed, or the judgment obtained against him, therein, if any, shall have been fully paid, with legal interest thereon; either of which events, as the case may be, shall be certified by the Court in or before which suit or proceeding has been pending. The amount or amounts

withheld from such beneficiary in pursuance hereof shall be deemed sequestered in the hands of the Government, from the time of such service on such garnishee. Provided that no more shall be thus sequestered in advance of final judgment than shall be sufficient to meet the demand of the plaintiff or plaintiffs in such suit or suits.

SECTION 9. The obligations and inhibitions hereby imposed upon such garnishee shall be equally binding upon his official superiors and successors, to whose notice the fact shall come, of such service upon such garnishee.

SECTION 10. After trial or hearing of such suit, either in the original or any appellate Court, the party prevailing in such trial or hearing shall obtain from the Court in or before which the trial or hearing was had, a certificate, which shall sufficiently describe the action to apprise the garnishee of its identity, and shall state the nature of the judgment if any rendered therein; whether any appeal from or exceptions to such judgment were noted at the time of rendering such judgment or whether the suit has been voluntarily withdrawn or discontinued, and such certificate shall be immediately furnished to the garnishee.

SECTION 11. In case of the withdrawal or discontinuance of such suit, or of the rendition of judgment therein wholly favorable to such beneficiary, from or to which judgment no appeal or exceptions shall have been noted at the time when it was rendered, and the certification thereof to such garnishee the inhibitions placed upon such garnishee by the service of such copy shall be void, and of no further effect. But in case of judgment

being rendered for either party in such suit from or to which an appeal or exceptions shall have been noted at the time, the garnishee shall continue bound by such service until the result of such appeal or exceptions shall have been duly certified to him as herein before provided.

SECTION 12. In case there shall be certified to such garnishee a judgment for the plaintiff, from or to which no appeal or exception shall, at the time of its rendition, have been noted, it shall be incumbent upon such garnishee and his official superiors to pay or cause to be paid to such plaintiff such sum or sums as shall therefore have been sequestered in pursuance of such suit, if such judgment shall equal or exceed such sum or sums. If the amount as sequestered shall not suffice to extinguish such judgment, then such sequestration and payment to such plaintiff by such garnishee and his official superiors shall continue from week to week, or from month to month, until such judgment, with legal interest thereon, shall be fully paid, or until such beneficiary shall quit the service and dissolve his relation to the Government upon which such sequestration is founded.

SECTION 13. For the purposes of this Act it shall be sufficient to serve such copy of process as aforesaid, upon the officers hereinafter respectively named, that is to say :

1.—In suits against any Minister of the Crown, Judge or Justice of a Court of Record, any person drawing or entitled to a pension or annuity, or to a salary provided for in the Civil List, the Auditor General or any other officer, pensioner or person usually drawing or entitled

to draw for his salary, stipend, wages, annuity or pension, upon the Minister of Finance direct, without obtaining a draft therefore from any Minister—the Minister of Finance.

2.—In suits against any officer or employee of the Judiciary Department, except those above named, and Police and District Justices—the Chief Justice, or in his absence the Senior of the Justices of the Supreme Court, who shall be present and accessible in his office.

3.—In suits against Police or District Justices—the Circuit Judge of the Circuit in which such Justices reside, except that in case of such suits against Police or District Justices on the Island of Oahu, such service shall be made on a Justice of the Supreme Court, as provided in Paragraph 2 of this Section.

4.—In suits against any officer, teacher or employee of the Board of Education, except teachers on Islands other than the Island of Oahu—the President of the Board of Education.

5.—In suits against any teacher employed by the Board of Education on an Island other than Oahu—the School Agent for the District where such teacher is employed.

6.—In suits against the chief or executive officer of any Board or Bureau, the appropriations for which are subject to the draft of the Minister of Interior, and including the Board of Health—the Minister of Interior.

7.—In suits against any officer or employee of the Interior Department not herein otherwise expressly provided for—the Minister of Interior.

8.—In suits against any officer or employee of any such Board or Bureau as mentioned in Paragraph 6 hereof, except as therein provided—the chief or executive officer thereof; as for instance, in the case of an officer or employee of the Bureau of Public Works, such service shall be made upon the Superintendent of Public Works; and in the case of an officer or employee of the Board of Health, such service shall be made upon the President of said Board.

9.—In suits against any officer or employee of the Finance Department, (except as provided in Paragraphs 11, 12, 13 and 14 hereof,) and including the Postmaster-General, Collector-General of Customs, and the Assessors and Collectors of Taxes for the respective divisions—the Minister of Finance.

10.—In suits against any officer or employee of the Postal Bureau—the Postmaster-General.

11.—In suits against any Deputy Assessor and Collector of Taxes, or other official subordinate of any Assessor and Collector of Taxes, the Assessor and Collector of Taxes for the Division in which such Deputy or other subordinate shall be employed.

12.—In suits against any officer of the Customs Bureau on the Island of Oahu (except the Collector-General) or the Collector of any Port other than Honolulu—the Collector-General of Customs.

13.—In suits against any officer or employee of the Bureau of Customs on Islands other than Oahu, not being the Collector of any Port—the Collector of the Port or Customs District in which such officer or employee shall be employed.

14.—In suits against any officer or employee of the Department of Foreign Affairs—the Minister of Foreign Affairs.

15.—In suits against any officer, non-commissioned officer, private or member of the Royal Hawaiian Band, or of any Military or Naval Force—the officer who shall be by law charged with the disbursement of the salaries or pay of such Band or Force, as the case may be.

16.—In suits against any officer in the Department of the Attorney-General, for whom a specific salary is appropriated by the Legislature—the Attorney-General.

17.—In suits against any Police Officer or other subordinate of the Marshal on the Island of Oahu, except as provided in Paragraph 16 of this Section—the Marshal of the Kingdom.

18.—In suits against any Police Officer or other subordinate of the Sheriff of any Island or group of Islands other than Oahu, except as provided in Paragraph 16 of this Section—the Sheriff or Deputy Sheriff of the Island or group of Islands where such officer or subordinate shall be employed.

19.—In suits against any official subordinate or employee of any Road Board or Road Supervisor—the Chairman of such Road Board or such Road Supervisor, as the case may be.

SECTION 14. In case of successive suits being brought against any such beneficiary, in which any portion of his salary, stipend, wages, annuity or pension shall be sought to be sequestered, as provided herein, precedence shall be given by the garnishee to him whose process is first served upon such garnishee; and if two or more

such processes be simultaneously served upon him, they shall be entitled to precedence in the order of the priority of their issue by the Court or Courts from which they respectively emanated, subject to the provisions of the following Section.

SECTION 15.—The order of precedence established by the last preceding Section shall not be disturbed by the fact of a posterior suit being carried to final judgment earlier than its anterior in point of such service upon the garnishee, but in such case the garnishee shall pay or cause to be paid on account of such earlier judgment only such sums as shall be payable upon such judgment from the amounts which shall thereafter become due and payable to such beneficiary. All amounts sequestered on account of such anterior suit shall be held to await the result thereof, when, if final judgment shall pass against such beneficiary, the amount so sequestered and held shall be applied in payment of such judgment. In case such amounts shall not suffice to satisfy such judgment, then all judgments obtained in posterior suits shall be again postponed to that in the anterior suit, until it is satisfied.

SECTION 16. All payments made on account of any such judgment, as hereinbefore provided, shall be noted and charged against such beneficiary in like manner as if they had been paid to him personally on account of such salary, stipend, wages, annuity or pension.

SECTION 17. There shall be printed upon the face of the process issued in any suit brought under the provisions of this Act, a literal copy of Section 8 hereof, together with the date of the approval thereof.

SECTION 18. This Act shall take effect from and after its passage and all laws and parts of laws in conflict with any of the provisions hereof are hereby repealed.

Approved this 24th day of October, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LI.

AN ACT

MAKING SPECIAL APPROPRIATIONS FOR THE USE OF THE GOVERNMENT DURING THE TWO YEARS WHICH WILL END WITH THE THIRTY-FIRST DAY OF MARCH, IN THE YEAR A. D. 1892.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. The following sums, amounting to \$3,127,588.12, are hereby appropriated out of any moneys in the Treasury, other than the moneys which may be derived from the sources mentioned in Section 5 of this Act, for the service of the biennial fiscal period commencing with April 1st, 1890, and ending with March 31st, A. D. 1892.

CIVIL LIST.

His Majesty's Privy Purse	\$ 40,000 00
Her Royal Highness, the Heir Presumptive..	10,000 00
Her Royal Highness Princess Kaiulani.....	4,800 00
His Majesty's Chamberlain.....	6,000 00
His Majesty's household expenses	12,000 00
	<hr/>
	\$ 72,800 00

PERMANENT SETTLEMENTS.

His Excellency J. O. Dominis.....	\$ 3,600 00
Hon. H. Kūihelani.....	1,200 00
Mrs. Emma Barnard	600 00
Mrs. Kamakani Simeona	400 00
	<hr/>
	\$ 5,800 00

LEGISLATURE AND PRIVY COUNCIL.

Expenses of Legislature	\$ 35,000 00
Secretary of Privy Council.....	200 00
Incidentals Privy Council.....	100 00
	<hr/>
	\$ 35,300 00

JUDICIARY DEPARTMENT.

Salary of Chief Justice and Chancellor.....	\$ 12,000 00
Salary of First Associate Justice	10,000 00
Salary of Second Associate Justice	10,000 00
Salary of Third Associate Justice	10,000 00
Salary of Fourth Associate Justice	10,000 00
Salary of Clerk Supreme Court	7,000 00
Salary of Deputy Clerk Supreme Court	4,000 00
Salary of Second Deputy Clerk Supreme Court.....	3,600 00
Salary of Shorthand Reporter, who shall furnish to Attorney-General, on request, transcripts of pro- ceedings in Crown and Government cases, free of charge	6,000 00
Salary of Interpreter Supreme and Police Courts, in- cluding Circuit Court term.....	7,200 00

Salary of Circuit Judge, Maui	\$4,000 00	} \$	4,300 00
His traveling expenses.....	300 00		
Salary of Circuit Judge, Hilo and Kau... ..	4,000 00	}	4,200 00
His traveling expenses.....	200 00		
Salary of Circuit Judge, Kohala and Kona ..	4,000 00	}	4,200 00
His traveling expenses.....	200 00		
Salary of Circuit Judge, Kauai	4,000 00	}	4,200 00
His traveling expenses.....	200 00		
Salary of Police Justice, Honolulu			6,000 00
Salary of Police Justice, Hilo.....			3,000 00
Salary of Police Justice, Lahaina			2,400 00
Salary of Police Justice, Wailuku.....			3,000 00
Salary of Police Justice, North Kohala			2,400 00
Salary of Police Justice, Lihue			2,000 00
Salary of Police Justice, Makawao			2,400 00
Salary of Police Justice, Ewa			1,200 00
Salary of District Judge, North Hilo			1,000 00
Salary of District Judge, Puna			960 00
Salary of District Judge, West Kau.....			1,200 00
Salary of District Judge, East Kau			900 00
Salary of District Judge, North Kona ..			800 00
Salary of District Judge, South Kona ..			800 00
Salary of District Judge, South Kohala.....			1,200 00
Salary of District Judge, Hamakua			2,000 00
Salary of District Judge, Honuaula.....			800 00
Salary of District Judge, Koolau and Hana			1,800 00
Salary of District Judge, Kipahulu, Kaupo and Kahi- kinui			600 00
Salary of District Judge, Lanai.....			600 00
Salary of District Judge, Molokai.....			1,200 00
Salary of District Judge, Kalaupapa and Kalawao ...			600 00
Salary of District Judge, Waianae.....			800 00
Salary of District Judge, Waialua.....			800 00
Salary of District Judge, Koolauloa			800 00
Salary of District Judge, Koolaupoko.....			1,000 00
Salary of District Judge, Hanalei.....			1,000 00
Salary of District Judge, Kawaihau.....			1,000 00
Salary of District Judge, Koloa.....			1,200 00
Salary of District Judge, Waimea			1,000 00
Salary of Clerk Second Judicial Circuit.....			600 00

Salary of Clerk Third Judicial Circuit.....	\$ 1,000 00
Salary of Clerk Fourth Judicial Circuit.....	600 00
Expenses of Supreme Court.....	12,000 00
Expenses of Circuit Courts.....	10,000 00
Expenses of Witnesses, Criminal Cases.....	5,000 00
Purchase of Law Books.....	2,000 00
Stationery and Incidentals.....	2,000 00
Pay of Interpreters, for all Courts not specially provided for	2,000 00
Pay of Clerk Honolulu Police Court.....	3,000 00
Pay of Chinese Interpreter and Translator.....	3,600 00
Pay of Portuguese Interpreter and Translator.....	2,400 00
Messengers.....	2,400 00
Printing Reports (For Amount Owing).....	1,681 85
	<hr/>
	\$189,441 85

DEPARTMENT OF FOREIGN AFFAIRS.

Salary of Minister	\$ 10,000 00
Salary of Secretary.....	6,000 00
Salary of Clerks	5,400 00
Salary of Messenger.....	1,200 00
Salary of Envoy at Washington	12,000 00
Clerical Aid and Expenses, Legation.....	2,000 00
Salary of Consul-General, San Francisco.....	8,000 00
Clerical Aid and Expenses, San Francisco	5,000 00
Diplomatic and Consular Services.....	4,000 00
Expenses of Foreign Agents, to include expenses at Paris Exposition, 1889	17,000 00
State Entertainments.....	10,000 00
Incidentals, Foreign Office.....	3,000 00
Education of Hawaiian Youths Abroad, provided always that no one shall be sent excepting upon the recommendation of the Principal of higher schools, certifying to the applicant's proficiency	10,000 00
Relief and Return of Indigent Hawaiians	5,000 00
For Paying Claim of C. C. Moreno, on condition a quit-claim for all further claims be given by him, or his agent.....	3,500 00

King's Guards.....	\$	62,000	00
Band, Flags and Salutes.....		50,000	00
Aid to Volunteer Military Companies.....		2,500	00
Old Account, A. W. Herring, Uniforms...\$603 54	}		745 00
Interest.....			
			<hr/>
			\$ 217,345 00

INTERIOR DEPARTMENT.

Salary of Minister.....	\$	10,000	00
Salary of Chief Clerk		7,000	00
Salaries of Assistant Clerks ..		18,400	00
Messengers.....		2,400	00
Incidentals.....		3,000	00

BUREAU OF SURVEY.

Salary of Surveyor General.....		7,000	00
Expenses Bureau of Survey :			
Salaries	\$34,560	00	
Surveying the Island of Molokai.....	5,000	00	
Expenses of Field Parties.....	5,000	00	
Surveying Homesteads and Special Services	10,000	00	
Incidental Office Expenses, Instru- ments, Maps, Printing, Tide Gauge.....	1,840	00	
Meteorology	500	00	56,909 00

REGISTRY OF CONVEYANCES.

Salary of Registrar.....		6,000	00
Salary of Deputy Registrar.....		4,000	00
Pay of Clerks.....		5,500	00
Incidentals		950	00
Re-indexing Old Records.....		3,300	00
Copying Records Land Commission		3,150	00

BUREAU OF IMMIGRATION.

Salary of Inspector General.....		4,800	00
Salary Japanese Inspector and Interpreter..		6,000	00
Secretary, Board of Immigration		3,600	00

Incidentals.....	\$	1,600 00
Return of New Hebrideans.....		3,813 07

POSTAL BUREAU.

Salary of Postmaster General	7,000 00
Pay of Clerks.....	35,208 00
Postmasters	30,000 00
Mail Carriers	28,000 00
Incidentals.....	13,000 00

BUREAU OF PUBLIC WORKS.

Salary of Superintendent.....	7,000 00
Assistants and Incidentals	8,400 00
Repairs and Furniture of Government Building.....	31,150 00
Iron Fence around Palace Grounds.....	10,000 00
Landings and Buoys :	
Hawaii	3,200 00
Maui	2,000 00
Molokai	2,000 00
Oahu	15,000 00
Kauai.....	1,000 00
General.....	15,000 00
Lighthouses	12,000 00
Steam Tug.....	28,900 00
Dredging Honolulu Harbor	15,000 00

ROADS AND BRIDGES.

Roads and Bridges, Hawaii.....	34,500 00
Honokaa Village, to and through Homesteads at Honokaa	1,000 00
Completing Bridge at Waiaka Stream, S. Kohala.....	500 00
Roads and Bridges, Maui	19,000 00
" " Molokai and Lanai	4,500 00
" " Oahu, outer Districts including Kaneohe Bridge.....	13,000 00
" " Honolulu	53,000 00
" " Kauai.....	20,000 00
" " General.....	30,000 00
Pay of Road Supervisor, Honolulu.....	4,000 00
Road Damages Contingent.....	1,180 45
" " to W. E. Kealakai	200 00

BUREAU OF HONOLULU WATER WORKS.

Salary of Superintendent and Clerk of Market.....S	6,000 00
Salary of Clerks	5,400 00
Running Expenses.....	14,300 00
Repairs.....	10,000 00
Amount due Z. K. Myers.....	150 00

BOARD OF HEALTH.

Salary of President.....	6,191 20
Salary of Secretary.....	4,000 00
General Expenses	18,000 00
Buildings, Repairs and Maintenance of Hospitals....	16,000 00
For Wailuku Hospital, Buying Land and Moving Buildings	3,000 00
Hilo Hospital.....	8,000 00
Repairs and Care of Quarantine.....	4,500 00
Quarantine Expenses.....	5,000 00
Support of Non-leprous Children of Lepers, including cost of Removing Kapiolani Home to Kalihi....	6,560 00
Medicines (for gratuitous distribution)	8,000 00
Purchase of Kuleanas at Kalawao.....	2,500 00
Segregation, Support and Treatment of Lepers.....	234,000 00
Government Physicians, Incidental Expenditures, Extra Services and Salaries, including Physician for Molokai.....	44,200 00
Expense, Free System of Removing Garbage and contents of Privy Vaults and Cesspits in Hono- lulu.....	12,000 00
Amount due S. H. Meekapu	100 00

FORESTS, PARKS, NURSERIES.

Maintenance of Nurseries.....	10,000 00
Public Grounds	12,600 00
Expense under Plant Disease Act	2,000 00

MISCELLANEOUS.

Honolulu Fire Department.....	35,500 00
Hilo Fire Department.....	5,000 00
Repairs and Running Expenses, Insane Asylum.....	40,000 00
Repairs and Running Expenses Honolulu Electric Light	27,500 00

Repairs and Running Expenses of Markets.....	\$ 4,200 00
Support of Prisoners.....	23,246 00
Salary, Jailer Oahu Prison.....	900 00
For paying the claims of J. F. Bowler in full.....	34,839 84
Payment of Likelike Funeral claims pro rata amongst the different claimants, and in full of any and all demands against the Hawaiian Government	12,019 90
Lighting Streets of Towns other than Honolulu.....	1,100 00
Printing, to be done in this Kingdom.....	10,000 00
Guards, Aliiolani Hale and Kapuawai Buildings.....	1,200 00
Pay of Guard for the Royal Mausoleum.....	300 00
Paying R. More & Co.'s claim in full.....	433 06
Paying J. C. White's claim in full.....	300 00
Expenses of Election and Compiling Register.....	11,000 00
Aid to Queen's Hospital.....	20,000 00
Aid to Kapiolani Maternity Home.....	2,400 00
Expenses filing Certificates of Boundaries.....	200 00
Incidental Expenses under Homestead Act.....	4,000 00
Quarantine Diseased Animals.....	4,000 00
Government Pounds.....	1,000 00
Diamond Head Signal Station.....	1,800 00
Subsidy to Steamer, between Honolulu, Molokai, Lahaira and Lanai.....	5,200 00
Rent of Custom House Lot, Kahului, and Post-Office, Hilo.....	1,800 00
Purchase of Kohala Court House Lot.....	162 97
Aid to Kapiolani Park Association provided \$2500 be spent in building road round Diamond Head	10,000 00
Pay of Physician and Agent under Act to mitigate the evils and diseases arising from prostitution..	3,200 00
Payment of J. N. Kaiakawaha's claim for work on Punchbowl Hill Road.....	2,542 00
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	\$1,288,436 49

FINANCE DEPARTMENT.

Salary of Minister.....	\$ 10,000 00
Auditor General.....	10,000 00
Registrar of Public Accounts.....	7,000 00
Salary Clerk Finance Office.....	3,600 00

Tax Assessor, Oahu	\$	6,000	00
Tax Assessor, Hawaii.....		6,000	00
Tax Assessor, Maui.....		5,500	00
Tax Assessor, Kauai.....		4,800	00
Pay of Deputy Assessors and Collectors.....		45,000	00
Pay of Clerk, Deputy Assessors and Collectors, Oahu		3,000	00
Pay of Tax Appeal Board		1,500	00
Incidentals Finance Department.....		3,500	00
Incidentals Assessors Offices.....		4,000	00
Stamps and Dies.....		500	00
Dog Tags.		1,000	00
Messenger Finance Office.....		1,200	00
Printing Certificates Deposit and Bonds.. ..		4,000	00
Interest on Public Debt, with Exchange and Com- missions for paying same.		390,000	00
Interest on Money to be borrowed.....		30,000	00
National Debt falling due.....		8,000	00

BUREAU OF CUSTOMS.

Salary of Collector General.....	7,000	00
Salary of Deputy Collector.....	6,000	00
Harbor Master.....	6,000	00
Port Surveyor, Oahu	3,600	00
Store-keeper	4,800	00
Assistant Store-keeper.....	2,400	00
Statistical Clerk.....	3,600	00
Second Statistical Clerk.....	3,000	00
Third Statistical Clerk.....	3,000	00
Fourth Statistical Clerk.....	3,000	00
Book-keeper.....	3,600	00
Collector, Kahului.....	3,600	00
Collector, Hilo.....	3,600	00
Collector, Mahukona	1,440	00
Collector, Kawaihae.....	200	00
Collector, Lahaina.....	200	00
Collector, Koloa.....	200	00
Collector, Kealakekua	200	00
Port Surveyor, Kahului.....	2,400	00
Port Surveyor, Hilo.....	2,400	00
Keeper Kerosene Warehouse.....	2,000	00

Assistants in Bonded Warehouse, (4 men)	\$ 5,000 00
Assistant Guards, Honolulu, (6 men).....	14,400 00
Assistant Guards at all Ports	10,000 00
Custom House Boat	2,000 00
Incidentals, Custom House.....	5,000 00
To pay judgment in favor of V. Knudsen.....	1,980 00
To pay judgment in favor of Wong Ko.....	831 00
To pay judgment in favor of Richard Oliver.....	337 78
Incidentals, Auditor-General's Office.....	600 00
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	\$ 646,988 78

ATTORNEY GENERAL'S DEPARTMENT.

Salary of Attorney General.....	\$ 10,000 00
Salary of Deputy Attorney-General.....	7,000 00
Salary of Marshal.....	7,000 00
Salary of Police Court Prosecutor.....	4,000 00
Salary of Clerk to Marshal.....	4,000 00
Salary of Second Clerk to Marshal.....	2,400 00
Amount due Honorable H. G. Crabbe.....	300 00
Jailor of Oahu Prison	2,700 00
Sheriff of Hawaii.....	5,500 00
Sheriff of Maui.....	5,000 00
Sheriff of Kauai.....	4,000 00
Clerk to Sheriff, Maui.....	1,800 00
Clerk to Sheriff, Hawaii.....	1,800 00
Clerk to Sheriff, Kauai.....	600 00
Pay of Police, Hawaii.....	70,000 00
Pay of Police, Maui.....	50,000 00
Pay of Police, Oahu.....	125,000 00
Pay of Police, Kauai	23,500 00
Clerk, Translator and Copyist.....	2,400 00
Incidentals and Civil and Criminal Expenses.....	20,000 00
Expenses of Suits relative to Government Claims in Lands.....	1,000 00
Coroners' Inquests.....	1,500 00
Sundry Expenses in Aid of Chinese Restriction Act.	500 00
Support, Maintenance and Care of Prisoners	56,754 00
Payment of Wm. Sheldon's Claim for the Opium seized by him at Kahului	300 00
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	\$ 407,054 00

BUREAU OF PUBLIC INSTRUCTION.

Salary of Inspector-General of Schools, including his Traveling Expenses	\$ 8,000 00
Salary of Clerk Board of Education.....	6,000 00
Salary of Assistant Clerk.....	3,000 00
Honolulu Library.....	1,200 00
Salary of Messenger and Book Clerk	1,500 00
Support of English, Hawaiian and Common Schools.	190,000 00
Industrial and Reformatory School.....	12,000 00
Aid to St. Louis College and its Branches at Wai- luku, Kohala and Hilo.....	20,000 00
For Scholarships in Oahu College, Iolani College, Kamehameha School and Hilo Boys' Boarding School.....	3,122 00
Stationery and Incidentals.....	1,200 00
Expenses of Normal Instruction.....	2,000 00
Professor Chemistry Oahu College.....	2,400 00
Compiling, Printing and Binding School History of the Hawaiian Islands... ..	2,000 00
Taking Census of 1890.....	12,000 00
	<hr/>
	\$ 264,422 00

SECTION 2. The following sums, amounting to \$121,-723.58, are hereby also appropriated out of any moneys in the Treasury, other than the moneys which may be derived from the sources mentioned in Section 5 of this Act, for the service of the biennial fiscal period commencing April 1st, 1890, and ending with March 31st, A. D. 1892.

INTERIOR DEPARTMENT.

For Advertising list of Government Officials in the <i>Paradise of the Pacific</i> , to be paid in the discre- tion of the Minister of the Interior.....	\$ 2,400 00
Postal Money Order Reserve.....	7,000 00
Purchase of Road between Hilea and Honuapo, at the discretion of the Minister of the Interior ...	3,500 00
Purchase and Rent of Aliiolani Lot.....	3,000 00
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	\$ 15,900 00

FINANCE DEPARTMENT.

Subsidy to the Oceanic Steamship Company	\$	48,000	00
Subsidy to Tahiti Line.....		15,000	00
Encouragement of Carrying Freight, Mails, etc., from Hawaii to California, (lalo).....		15,000	00
Commissions of Tax Assessor for Wailuku in 1888, due to Bishop & Co.....	\$1,685	09	}
Discount on same, due W. L. Green.....	151	65	
Amount due to Inter-Island Steam Navigation Co...		1,158	73

Salaries for Last Period, not paid :

Circuit Judge, Maui	\$168	00	
“ “ Kohala.....	150	00	
District “ North Kona	100	09	
“ “ South Kona....	100	00	
“ “ Hamakua.....	250	00	
“ “ Honuaula	33	00	
“ “ Hanalei.....	125	00	
“ “ Kawaihau.....	222	25	
“ “ Koloa.....	150	00	
“ “ Waimea..	125	00	
Clerk Second Judicial Circuit.....	50	00	
Assessor for Hawaii.....	291	66	
Returning Taxes Illegally Collected	313	20	2,078 11
Paying A. L. Kamaau of Lahaina			50 00
Hospital Fund, estimated.....			7,000 00
Subsidy to Oahu Railway and Land Co.....			14,000 00
Expenses of the Lantana Commission			200 00
			<hr/>
			\$104,323 58

JUDICIARY DEPARTMENT.

Translation, Binding and Printing of Decisions rendered by the Supreme Court in relation to and construction of different Sections of the Civil Code, under the supervision of the Judges of the Supreme Court.....	\$1,500	00
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SECTION 3. The following sums, amounting to \$1,524,-
\$59.44, are hereby appropriated out of any moneys in

the Treasury, for the service of the biennial fiscal period commencing with April 1st, 1890, and ending with March 31st, A. D. 1892.

INTERIOR DEPARTMENT.

Addition to Custom House.....	\$ 5,731 15
Custom House and Kerosene Warehouse, Hilo.....	5,000 00
Addition to Honolulu Post Office ..	4,000 00
Government Storehouse and Work-hop, Esplanade..	10,000 00
New Market House, Honolulu	19,000 00
Central Station for Honolulu Fire Department, including Lot	50,647 00
Chemical or other Improved Fire Engine for Kulaokahua, Honolulu.....	5,000 00
Fireproof Vaults, Government Buildings.....	12,000 00
New Court House and Jails, Hawaii ...	9,500 00
Repairs, Court House, Makawao.....	200 00
Light House, Makapuu, Oahu.....	8,500 00
“ “ Kahului, Maui.....	7,500 00
“ “ Nawiliwili, Kauai.....	1,000 00
“ “ Maalaea, Maui.....	1,000 00
Addition to Insane Asylum	8,500 00

HARBORS.

New Wharf, Hilo.....	20,000 00
New Wharves and Sea Wall, Honolulu.....	63,000 00
Repairs, Breakwater, Wharf and Market House, Lahaina.....	3,000 00
Widening Channel, Laupahoehoe.....	1,000 00
Honolulu Harbor and improving the Bar	200,000 00
Breakwater, Harbor of Waialua	3,000 00
Breakwater, Waimea.....	1,500 00
Breakwater, Waikane, Waiahole and Kaulaea.....	2,300 00

WATER WORKS.

Addition to Honolulu Water Works	236,640 00
Filter Plant, Honolulu Water Works.....	39,860 00
Purchase of Land of Hanaiakamalama, Nuanu Valley.....	8,000 00

Koloa, Kauai, Water Works	\$	2,500 00
Wailuku and Kahului Water Works.....		14,000 00
Laupahoehoe Water Works		1,000 00
Hilo Water Works		13,000 00
Kohala Water Works		7,000 00

ROADS AND BRIDGES.

Road Damages.....		50,316 00
New Roads of Kau, Hawaii.....		15,000 00
Hawaii :		
South Kona		37,500 00
North Kona		45,000 00
North Kohala.....		10,000 00
New Road between North and South Kohala.....		10,000 00
Hamakua		12,000 00
North Hilo :		
New Grade, Maulua.....	\$7,000 00	
New Grade, Kaawalii.....	6,000 00	
Bridge, Maulua.....	1,800 00	
Bridge, Umauma.....	1,500 00	
Bridge, Waikamaulu.....	1,800 00	18,100 00
Hilo		30,000 00
Volcano Road.....		55,000 00
Paying amounts expended by Minister of Interior, L. A. Thurston, above former Appropriation for Volcano Road.....		13,639 36
Repair of Old Puna Road.....		5,000 00
Maui :		
Wailuku		10,000 00
Road from Makena to Kamaole.....		12,000 00
Makawao		10,000 00
Hana		15,000 00
Makena to Keoneoio.....		400 00
Lahaina to Maalaea.....		25,000 00
Lahaina to Kahakuloa.....		5,000 00
Molokai :		
Pali Road along Beach Wailau, Pelekunu and Kalae.....		3,000 00

Oahu :

Waimea Bridge.....	\$ 5,000 00
Ewa and Waianae.....	6,000 00
Macadamizing and Paving Streets, Honolulu....	75,000 00
Roads in Manoa Valley.....	3,000 00
Kalihi Valley, east and west side Road.....	10,000 00
Road over Nuuanu Pali.....	40,000 00
Roads Koolaupoko	5,000 00
Road to open Government Lands back of Honolulu	17,500 00

Kauai :

Bridge, Wailua River.....	15,000 00
Bridge, Hanalei River.....	5,000 00
Road from Wainiha to Kilohana.....	5,000 00
Pali Road, Kalalau to Haena.....	2,000 00
Huleia Road.....	500 00
Hanalei Roads from Waioli to Haena.....	5,000 00

Maui :

Kauaula Road	1,500 00
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Molokai :

Honouliwai Bridge.....	1,000 00
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MISCELLANEOUS.

Aid to Immigration to include payment of any sums found to be due to Skinner & Co., on account of Immigrants per "Thos. Bell.".....	60,000 00
Addition to Honolulu Electric Light System.....	10,000 00
Encouragement of Coffee Culture, to be expended and apportioned by the Minister of Interior among Homestead and Kuleana holders who shall have under Cultivation not less than five acres of Coffee Trees.....	10,000 00
Inter-Island Cable.....	25,000 00
Aid to Telephone Co., Hawaii.....	2,500 00
Aid to Telephones on Maui.....	1,000 00
Wharves, Hookena and Keauhou	24 87
Wharves, Kaunakakai, Kamalo and Pukoo	1,283 93
Artesian Wells, Kamalo, Molokai.....	3,000 00
Extension and Repair Wharf, Nawiliwili.....	588 23

Surveys Hamakua Water Ditch.....	\$	1,551	82
Survey Streams, Kohala Mountains		1,600	27
Storage Reservoirs, Nuuauu Valley.....		1,048	00
Makiki Water Works.		938	98
Roads Lahaina to Wailuku.....		434	14
Repairs Bridge, Keawewai, S. Kohala		201	69
Punchbowl Hill Road.....		18	00
Pauoa Road		6	00
Bridge, Waiaka, S. Kohala.....		8	00
Road Tax Unexpended, Lanai.....		122	00
Sewerage, Honolulu, Plans and Specifications.....		1,200	00

BOARD OF EDUCATION.

New School-Houses.....		52,500	00
Permanent Improvements, Boarding Schools.....		10,000	00
		\$1,524,859	44

RECAPITULATION.

Section 1.....	\$	3,127,588	12
Section 2.....		121,723	58
Section 3.....		1,524,859	44
		\$4,774,171	14

SECTION 4. The following moneys are hereby appropriated out of any moneys in the Treasury, other than moneys which may be derived from the sources mentioned in Section 5 of this Act, which shall not be used unless, by reason of some unforeseen contingency, the Appropriations mentioned in Section 1 of this Act shall become exhausted.

Expenses of Supreme and Circuit Courts.....	\$	5,000	00
Expenses Steam Tugs.....		5,000	00
Support of Prisoners.....		15,000	00
Maintenance Insane Asylum.....		5,000	00
Quarantine Expenses.....		20,000	00
Leper Settlement		25,000	00

Pay of Police.....	\$ 15,000 00
Incidentals, Civil and Criminal Expenses.....	5,000 00
Coroner's Inquest	1,000 00
	<hr/>
	\$96,000 00
	<hr/> <hr/>

SECTION 5. All moneys which may be received by the Treasury during the said biennial fiscal period, and thereafter up to the 30th day of June, A.D. 1892, from any loan heretofore or which hereafter may be authorized by the Legislature and all surplus receipts from deposits in the Postal Savings Bank shall, unless otherwise specially directed by the Legislature, be applied to the payment of the Appropriations specified in Section 3 of this Act.

Provided, however, that if the receipts of money from the sources mentioned in this Section shall exceed in amount the sums appropriated by Section 3 of this Act, such surplus may be applied to the payment of any of the National Debt.

SECTION 6. The Minister of Finance shall continue to pay the salaries appropriated by Section 1 of this Act, the payments under the Civil List, Permanent Settlements, Post Office, Custom House, Pay of Physicians, the compensation of Soldiers and Constables, the compensation of School Teachers, and the current expenses of the Bureau of Education, the Board of Health, the expenses of the Fire Department, of the Supreme Court and Circuit Courts, Survey Department, Insane Asylum, General Aid to Queen's Hospital, Government Stocks and the Interest accruing thereon, the Support of Prisoners, the expenses of the Leper Settlement, and Incidentals and Criminal Expenses of the Attorney General's

Department. Repairs Wharves General, Roads and Bridges, Honolulu, Running Expenses of Electric Lights, Lighthouses, Steam Tug, Waterworks, Market, Diamond Head Signal Station, Lighting Streets other than Honolulu, Repairs and Furniture Government Buildings, until the 31st day of July, A.D. 1892, unless new Appropriations are made before that date.

SECTION 7. It shall be lawful for the Minister of Finance to continue to make payments in accordance with the appropriations authorized by Section 3 of this Act until the 30th day of June. A. D. 1892, unless new appropriations are made before that date. Provided that no payment shall be made on account of any such item beyond the sum by this Act appropriated.

SECTION 8. The Minister of Finance shall not cause or allow to be paid from the Treasury any money for objects not authorized by this Act, and the unauthorized expenditure of any money from the Treasury, to be thereafter accounted for to the Legislature by Indemnity Bill, except as authorized by the Constitution, is hereby expressly prohibited.

SECTION 9. No person holding more than one office for which salaries are provided shall be authorized to draw more than the salary of the highest grade of office held by him, if the salary of any office held by him shall amount to two thousand dollars or more per annum, and he shall be entitled to no other or further compensation.

SECTION 10. All and every contract for constructing or repairing Public Works, amounting to \$500, and for furnishing material, provisions and other supplies shall be awarded only upon public advertisement for tenders.

SECTION 11. The item of \$7,000, entitled Postal Money Order Reserve, in Section 2 hereof, shall be drawn and held by the Postal Bureau at the Honolulu Office as a cash reserve from which to meet orders drawn on the Honolulu Office, in case the funds deposited with the drawing office shall not be received in time to meet the draft issued therefor. The sum hereby appropriated, together with the amount now held by the Postal Bureau for that purpose, shall remain as a permanent reserve fund, and shall not be paid back to the Treasury as a realization, but shall be accounted for by the Postmaster-General in his Biennial Report.

SECTION 12. This Act shall take effect and become law from and after the date of its approval.

Approved this 4th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LII.

AN ACT

TO PROVIDE FOR A MILITARY FORCE TO BE DESIGNATED
AS THE "KING'S ROYAL GUARD."

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom:*

SECTION 1. The Military Forces of the Kingdom shall consist exclusively of the King's Royal Guard, which shall be a permanent force as hereinafter provided.

SECTION 2. The Officers of the King's Royal Guard shall consist of a Captain and two Lieutenants who shall be appointed and removed by the King. These officers shall have power to make, alter and revoke all regulations not repugnant to the provisions of this Act, concerning enlistment, discipline, exercises, accoutrements, arms and clothing and to make such other rules and orders as may be necessary to carry into effect the provisions of this Act, and to provide and prescribe penalties for any violations of such regulations not extending to deprivation of life or limb, or the infliction of corporal punishment. Every such rule, regulation or order shall require for its validity the approval of His Majesty the King, and shall be countersigned by the Minister of Foreign Affairs.

SECTION 3. His Majesty the King shall be Commander-in-Chief of all the Military Forces, and shall have power

to convene Courts-Martial and to confirm the sentences thereof, and may appoint persons to serve without pay on His personal staff with such honorary rank as He may designate.

SECTION 4. There shall be a paid permanent Military Force of not less than sixty-five men, nor more than one hundred men of all ranks, which shall be named the "King's Royal Guard."

SECTION 5. The King's Royal Guard shall be the bodyguard of His Majesty the King, and the King shall have the sole right to appoint and commission all its officers, which commissions shall be countersigned by the Minister of Foreign Affairs.

SECTION 6. The soldiers of the King's Royal Guard shall be enlisted to serve for three or five years, and shall be men of good physical development and in sound health, which must be certified to by two regular physicians. One-half between 20 and 30 years old shall be enlisted for three years, and one-half between 20 and 25 years old shall be enlisted for five years, and all shall take the oath prescribed in Schedule A.

SECTION 7. All public property used for, and in connection with the military forces of the Kingdom and the expenditure of all moneys appropriated for military purposes and for bands, flags, and salutes shall be subject to the orders, and under the general supervision and control of the Minister of Foreign Affairs.

SECTION 8. Any military armed force not organized in accordance with the provisions of this Act shall be illegal and is prohibited provided, however, that this section shall not apply to the police.

SECTION 9. Whoever shall organize any military armed force, or belong to or become a member of any military armed force other than that provided for by this Act shall upon conviction before any Police or District Justice, be fined in a sum not less than one hundred dollars nor more than five hundred dollars or by imprisonment at hard labor not less than one year nor more than two years.

SECTION 10. This Act shall be in full force and effect from and after the time of its approval, and Chapter XXV. of the Laws of 1888, entitled an Act relating to the Military Forces of the Kingdom, and all other laws and parts of laws in conflict herewith are hereby repealed.

Schedule A, referred to in Section 6.

I.....do solemnly swear that I will serve as a soldier in the King's Royal Guard for a term of.....years, should the Hawaiian Government so long require my services; that I will be faithful and bear true allegiance to His Majesty the King Kalakaua, His Heirs and Successors; and that I will faithfully support the Laws and Constitution of the Kingdom. So help me God.

Signature.....

The above named..... signed and took the above oath before me this..... day of.....189.....

Approved this 7th day of November, A. D. 1890.

KALAKAUA REX.

By THE KING:

C. N. SPENCER,

Minister of the Interior.

CHAPTER LIII.

AN ACT

REQUIRING THE DECISIONS OF THE SUPREME COURT TO
BE TRANSLATED INTO THE HAWAIIAN LANGUAGE AND
TO BE PUBLISHED IN NEWSPAPERS.

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom :*

SECTION 1. It is expressly required by this Act, that from and after the passage thereof, all the decisions rendered by the Supreme Court in Banco, and also all the decisions rendered in writing by any Justice of the Supreme Court sitting at Chambers, from which no appeal has been taken to be translated into the Hawaiian Language.

SECTION 2. Every decision translated into Hawaiian as required by this Act, shall be published in any newspaper or newspapers printed in the Hawaiian language in Honolulu which shall consent to publish the same free of charge.

SECTION 3. Any decision so translated into Hawaiian in pursuance with the provisions of this Act, shall not be considered a true translation of the original decision in English unless the same be signed by the translator herein specially provided for and attested by the clerk of the Supreme Court.

SECTION 4. For the purposes of this Act, the present incumbent, as Hawaiian Interpreter of the Supreme and Police Courts, or any one who may hereafter be appointed to such office, is hereby authorized to perform the duty required by Section 1 of this Act, and he shall cause all the decisions translated by him to be published as provided by Section 2 hereof.

SECTION 5. All decisions translated into the Hawaiian language, together with the printed copies thereof, shall be kept on file in the office of the Clerk of the Supreme Court.

SECTION 6. The translator mentioned in Section 4 of this Act, shall receive such salary as the Legislature shall from time to time determine and appropriate and such salary shall be inserted in the Appropriation Bill under the head of "Salary of Hawaiian Translator and Interpreter of the Supreme, Circuit and Police Courts," which shall not exceed ten thousand dollars and be not less than seven thousand dollars.

SECTION 7. This Act shall take effect from and after the date of its approval.

Approved this 7th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LIV.

AN ACT

TO PROVIDE FOR A POLICE JUSTICE FOR THE DISTRICT
OF HAMAKUA, ISLAND OF HAWAII.

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom :*

SECTION 1. That the District Justice appointed for the District of Hamakua, Island of Hawaii, shall by appointment be Police Justice for the said district, and he shall have the like authority and jurisdiction in the third Judicial Circuit as is now, by law, conferred upon Police Justices in other Judicial Circuits.

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 7th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LV.

AN ACT

TO AMEND AN ACT, ENTITLED "AN ACT REGULATING THE PRACTICE OF LAW IN THE POLICE AND DISTRICT COURTS," APPROVED ON THE FIFTH DAY OF AUGUST, A. D. 1878, AS AMENDED BY AN ACT APPROVED ON THE THIRTEENTH DAY OF AUGUST, A. D. 1880.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:

SECTION 1. That Section 1074B. of the Act regulating the practice of Law, approved on the 5th day of August, A. D. 1878, as amended by an Act approved on the 13th day of August, A. D. 1880, be and the same is hereby amended so as to read as follows :

"Section 1074B. The said license shall be for the term of two years and shall be valid in all the Judicial Circuits of the Kingdom. The fee for a license shall be five dollars for the first issue, and two dollars for each renewal thereof. Such license may be in the following form :

".....Court.

"..... Esquire, having been examined, and found duly qualified and of good moral character, is hereby licensed to practice in the Police and District Courts of all the Judicial Circuits of the

Kingdom, and before the Circuit Judges at Chambers on appeal as an attorney-at-law for the term of two years from date.

“By order of the Court,

“.....Clerk.

“Dated.....”

SECTION 2. This Act shall become a law from the date of its approval, and all laws and parts of laws in contravention herewith are hereby repealed.

Approved this 7th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LVI.

AN ACT

TO PROVIDE FOR AND TO REGULATE THE SENDING OF
HAWAIIAN YOUTHS ABROAD TO BE EDUCATED.

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom:*

SECTION 1. The Minister of Foreign Affairs, with the concurrence of the members of the Board of Education, shall select worthy Hawaiian youths to send abroad to be educated, from the select schools established in the

Kingdom, and who have graduated from the same and have received proper recommendations from the teachers of the school where they have been educated, and such youths shall be selected as follows: Two youths from the Island of Hawaii; two from the Islands of Maui, Molokai and Lanai; two from the Island of Oahu and one from the Islands of Kauai and Niihau.

SECTION 2. Every parent or youth shall submit the name of such youth to the Minister of Foreign Affairs, by application in writing stating his conduct, the certificate of graduation, his age, the number of years that he has attended school, and the percentage in his studies.

SECTION 3. If there be several applications submitted to the Minister of Foreign Affairs, and such applications shall exceed the number permitted by this Act, the Minister of Foreign Affairs shall then call the applicants to Honolulu and cause, in presence of himself and the Board of Education, an examination to be held, and the highest standard shall be selected.

SECTION 4. The Minister of Foreign Affairs with the Board of Education are hereby directed to send the said youths only to be taught in the following occupations:

- First.* The Legal Profession.
- Second.* The Medical Profession.
- Third.* Surveying and Civil Engineering.
- Fourth.* Book-keeping and Stenography.
- Fifth.* The Art of Teaching.
- Sixth.* Carpentering and Drawing.

And the youths shall pursue such course of studies until they shall receive diplomas from the instructors of the schools abroad, where they have been educated.

SECTION 5. When it shall become known to the Minister of Foreign Affairs that a vacancy has occurred in some of the places of said youths, by graduation, death, or other causes, he shall immediately publish such fact in some English and Hawaiian newspaper, printed and published at Honolulu, in order that such vacancy or vacancies may be filled. The youths to fill such vacancy or vacancies shall be selected from the Island from which the youth whose place is vacant came.

SECTION 6. A sufficient sum of money shall be set apart in the Appropriation Bill, at each biennial meeting of the Legislature for the purposes set forth in this Act and shall be paid out of the Government Treasury on the order of the Minister of Foreign Affairs.

SECTION 7. The Minister of Foreign Affairs and the members of the Board of Education shall perform the duties required by this Act without compensation.

SECTION 8. This Act shall become a law from the date of its approval.

Approved this 7th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LVII.

AN ACT

TO REGULATE THE ISSUING OF WHOLESALE LICENSES AS PROVIDED BY SECTION 56 OF THE CIVIL CODE, AS AMENDED BY CHAPTER LVI. OF THE SESSION LAWS OF 1876, APPROVED ON THE 27TH DAY OF SEPTEMBER, 1876.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. No wholesale license for the sale of goods, wares and merchandise shall be granted to any person, unless the applicant shall declare upon oath, that he intends to become, or is domiciled in this Kingdom, and is not a commercial traveler, nor an agent of any foreign house, and as such is temporarily in this Kingdom for the purpose of soliciting orders and has within this Kingdom goods, wares and merchandise of the value of ten thousand dollars.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 7th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LVIII.

AN ACT

TO PROVIDE FOR THE APPOINTMENT OF TWO DISTRICT JUSTICES IN THE DISTRICT OF HANA, ISLAND OF MAUI, AND TO FURTHER PROVIDE THAT HANA BE DIVIDED AND MADE TWO SEPARATE JUDICIAL DISTRICTS.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. That the District of Hana, Island of Maui, shall for judicial purposes be divided as follows :

The first division to be called the Judicial District of Hana and to include Koolau. And the second division to be called the Judicial District of Kipahulu and to include Kaupo and Kahikinui.

SECTION 2. Two District Justices shall be appointed; one for each of the divisions provided for by Section 1 in the District of Hana, and shall each receive, as salary for their services, such sums of money as may from time to time be appropriated by the Legislature.

SECTION 3. This Act shall take effect and become a law from and after the date of its passage.

Approved this 12th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LIX.

AN ACT

TO ESTABLISH AND REGULATE THE WAILUKU WATER
WORKS.

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom :*

SECTION 1. The Minister of Interior is hereby authorized to establish Water Works at Wailuku, Island of Maui, and supply water to the inhabitants, and he shall have the general charge of the pipes and conduits of water supply and of the water, land and property that may be required for such purposes and may regulate the rates of supply to parties and uses of water and establish all such rules as may be needful for the public interests.

SECTION 2. The said Minister shall appoint some discreet and capable person to be Superintendent of Water Works of Wailuku, whose duty it shall be to keep the conduits or pipes in good order and repair, and collect all water rates, to have general charge and supervision of such Water Works under said Minister and perform such other duties in connection therewith as the said Minister may prescribe and such Superintendent shall make under oath at such times as may be required by said Minister a return of all his receipts and expenditures.

SECTION 3. The Minister of Interior is hereby authorized and empowered to acquire, hold, use and possess by way of lease in fee simple, or absolutely such land and water, real estate and property and right of way as may be required for the use, maintenance, increase and development of the Wailuku Water Works; provided that in case any water, springs, ponds, land or property shall be acquired by lease then the said Minister shall enter into such lease only by and with the consent of the Cabinet.

SECTION 4. The Superintendent shall receive such compensation as may be fixed by the Minister to be paid out of such moneys as may be appropriated by the Legislature for Wailuku Water Works unless otherwise provided for by law.

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 11th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LX.

AN ACT

TO AUTHORIZE THE CONSTRUCTION OF RAILWAYS FOR AGRICULTURAL PURPOSES OVER THE LANDS OF THOSE NOT BENEFITED THEREBY.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. Whenever any person engaged in agricultural pursuits shall be in the occupation of any tract of land which is separated from other land of said person, and it is desired to connect such lands by a railway, the line of which would cross the lands of others, and the parties interested are unable to agree upon a right of way, or in case of the absence or incapacity to contract of one or more of the owners of such intervening land, the person desiring to construct such railway may file a petition at Chambers before any Justice of the Supreme Court, or before the Circuit Judge of the Circuit in which such lands are situated, setting forth the route of the proposed railway, the names of the owners of the lands proposed to be crossed and all facts and diagrams necessary for the understanding of the case, and praying that a right of way be granted over such intervening lands.

SECTION 2. After such service of said petition as is now required by law for hearing at Chambers the Judge to whom the petition is addressed or other Justice presiding, shall proceed to hear testimony in regard to the propriety and utility of constructing such railway as proposed, the amount of damages both direct and consequential which may be suffered by the owners of such intervening lands. If such Judge shall find the construction of such railway to be reasonable and useful he shall enter a judgment authorizing the construction of the same and awarding damages.

SECTION 3. Such judgment if in favor of the petitioner shall set forth the route of the proposed railway and what fences, bridges and crossings, if any, shall be maintained by the petitioner and what amount in damages the owner of such land shall recover from the petitioner. It shall be the duty of the petitioner to keep such fences, bridges and crossings, if any, in repair, and he may enter upon the adjoining land for said purpose. If the Court shall find that the proposed way is not necessary for the applicant, or is unreasonable he shall enter judgment for the defendant.

SECTION 4. If either party shall be dissatisfied with the decision of any Judge, before whom any cause arising under this Act shall be brought, he may appeal to the Judges of the Supreme Court sitting in Banco, and his appeal shall be heard upon the record, but either party may adduce before such Judges, such further testimony as he may be enabled to obtain. If the respondent shall appeal, and shall not succeed in reversing the judgment below or increasing the damages by one-third, he shall pay the costs of the appeal, but in all other cases the costs of said appeal shall be borne by the petitioner.

SECTION 5. The word "person" as used in this Act shall be held to mean, not only individuals, but any and all associations or corporations, the Commissioners of Crown Lands and any department of His Majesty's Government and shall also include owner as well as occupier.

SECTION 6. This Act shall take effect and become a law from and after the date of its approval.

Approved this 11th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LXI.

AN ACT

TO PROHIBIT THE KEEPING AND BREEDING OF RABBITS
IN THE HAWAIIAN ISLANDS.

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom:*

SECTION 1. The keeping and breeding of Rabbits in the various Islands of the Hawaiian Kingdom is hereby prohibited.

SECTION 2. Any person who shall keep or shall maintain for breeding any rabbits in any of the Islands of the Hawaiian Kingdom is guilty of a misdemeanor and

upon conviction thereof shall be punished by a fine not exceeding one hundred dollars for the first offense and upon conviction thereof a second time shall be punished by a fine not exceeding one hundred dollars and imprisonment at hard labor not exceeding two months.

SECTION 3. Any police officer or other officer of the peace is hereby authorized to destroy any rabbit found in this Kingdom and no officer destroying any rabbits shall be liable for any damages for such destruction to any person claiming the ownership of such animals, provided that no officer shall enter in any inhabited inclosure for the purpose of taking or destroying any rabbits without authority of law under a warrant duly issued.

SECTION 4. That this Act shall not apply to any persons raising rabbits when said rabbits are kept in a confined state and only intended or kept as pet animals.

SECTION 5. This Law shall go into effect from the date of its approval.

Approved this 11th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LXII.

AN ACT

TO PROHIBIT THE SALE OF TOBACCO TO CHILDREN UNDER
FIFTEEN YEARS OF AGE.

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom :*

SECTION 1. From and after the passage of this Act, it shall be unlawful to sell or furnish tobacco in any shape or form whatsoever to minors under the age of fifteen years.

SECTION 2. Any person violating the provisions of this Act, shall be punished by fine not exceeding one hundred dollars and if such offense be committed by any dealer licensed to sell tobacco, such dealer after the second offense shall forfeit his license.

SECTION 3. Jurisdiction is hereby conferred upon Police and District Magistrates to hear and determine all cases arising under this Act.

SECTION 4. This Act shall take effect and become a law from and after the date of its approval.

Approved this 11th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LXIII.

AN ACT

SUPPLEMENTARY TO CHAPTER XXXVII. OF THE PENAL
CODE OF THE HAWAIIAN ISLANDS.

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom :*

SECTION 1. Any idle or disorderly person or vagrant who shall create disturbance of the peace or shall incite others to create disturbance of the peace, or riot, or shall instigate others to gamble or drunkenness, is guilty of a misdemeanor, and may upon the complaint of the Attorney-General or his Deputy, be arrested and brought before one of the Justices of the Supreme Court, and there summarily examined. If upon such examination, the Justice shall find that the person so brought before him is guilty of such misdemeanor such person shall be punished by expulsion from the Kingdom.

SECTION 2. Any person against whom sentence of expulsion has been rendered who shall remain in or return to the Kingdom, unless such person shall have been by the King pardoned, shall be imprisoned with hard labor not exceeding five years.

SECTION 3. This Law shall apply only to subjects of such Foreign Powers who by treaty or convention with the Hawaiian Government, have agreed that their subjects may be returned to their own country for the

offenses in this Act mentioned and to any Chinese who may hereafter enter the Kingdom under an agreement or special residence permit to depart from the Kingdom at the expiration of same.

Approved this 12th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LXIV.

AN ACT

TO ENCOURAGE AND PROMOTE THE CULTIVATION AND MANUFACTURE OF TOBACCO; AND FOR THAT PURPOSE GRANTING CERTAIN SPECIAL RIGHTS AND PRIVILEGES UPON CERTAIN CONDITIONS AND STIPULATIONS.

WHEREAS, the Cultivation and Manufacture of Tobacco in the Hawaiian Islands, has been heretofore limited in quantity and inferior in quality; and

WHEREAS, W. H. Cornwell has petitioned for the grant of certain lands and special rights and privileges for the purpose of experimenting upon and with said product with a view of producing the same of a grade superior to any heretofore produced in the Hawaiian Islands and of developing such cultivation and manufacture thereof into a successful and permanent industry of this Kingdom; and

WHEREAS, said W. H. Cornwell has proposed to make all necessary experiments and outlays for that purpose aforesaid, at his own risk and expense, and without aid from the Government ; therefore,

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. That no impost, tax or duty of any kind or nature shall be levied or imposed upon the buildings, machinery, land, or products therefrom, that is to say—crops of tobacco raised by said W. H. Cornwell and his associates and assigns produced or manufactured in or upon said Hawaiian Islands or any thereof, either for the cultivation, manufacture, purchase, sale or export of the same, for the period of fifteen years. The right to levey or impose such impost tax or duty, for such period of time being hereby waived.

SECTION 2. That any lands of the Government of the Hawaiian Islands, adapted for the purpose, and not otherwise appropriated and used to the extent of not exceeding two thousand five hundred (2,500) acres, be and is hereby granted to the said W. H. Cornwell and his associates, his and their successors and assigns for the period of fifteen years from and after the passage of this Act, to be used only for the purpose of cultivation, producing and manufacturing tobacco at a yearly rental not exceeding one dollar per acre.

Provided, however, that if such granted lands or any part of them are not cultivated in tobacco for three subsequent years, at any time during the term of the grant of the same shall terminate thereby and the lands then unused shall revert to the Government.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 11th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LXV.

AN ACT

TO REGULATE THE IMPORTATION OF LIVE STOCK INTO
THIS KINGDOM INTENDED FOR SALE.

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom :*

SECTION 1. All dealers in live stock bringing live stock into this Kingdom for sale by order, or by importation for gain, such as horses, mules, jacks, cattle, sheep and hogs shall, before any of such live stock can be offered for sale, or sold, be required to apply for, and to obtain a license to sell, from the Minister of the Interior.

SECTION 2. The dealer or dealers of all live stock brought into this Kingdom for sale, shall pay to the Minister of the Interior, a license fee of two hundred and fifty dollars. This license fee shall not apply to any resident importing for his own use, or for breeding purposes ; but all animals so imported shall be subject to the quarantine laws of this Kingdom.

SECTION 3. This license shall be good for one year from the date issued, and shall not be transferable.

SECTION 4. All acts or parts of acts in conflict with this Act shall be and are herewith repealed.

SECTION 5. This Act shall take effect six months after the date of its approval.

Approved this 12th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LXVI.

AN ACT

TO AMEND SECTIONS 1 AND 3 OF CHAPTER LXX. OF THE SESSION LAWS OF 1888, BEING AN ACT ENTITLED "AN ACT TO RESTRICT THE IMPORTATION AND SALE OF OPIUM OR PREPARATION THEREOF.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. That Section 1 of Chapter LXX. of the Session Laws of 1888, be and the same is hereby amended so as to read as follows :

"Section 1. The importation of opium, or any preparation thereof into this Kingdom, except as authorized by Section 2 of this Act, is hereby strictly prohibited ; and whoever shall import, sell, give or furnish opium or any preparation thereof to any person in this Kingdom,

except as provided in said Section 2, shall be liable to a penalty of not less than one hundred dollars, nor more than five hundred dollars, or to be imprisoned at hard labor for any term not exceeding two years or to both such penalty and imprisonment in the discretion of the Court, one-half of which pecuniary penalty shall be paid to the party giving information which shall lead to the conviction of the offender."

SECTION 2. That Section 3 of Chapter LXX. of the Laws of 1888, be and the same is hereby amended so as to read as follows :

"Section 3. Any person who shall have in his possession opium, or any preparation thereof, which he shall not have received from the Board of Health, or from a duly licensed physician or surgeon, as prescribed in Section 2 of this Act, shall forfeit such opium or preparation thereof to the Hawaiian Government, and the same shall be seized and delivered to the Board of Health ; and such person shall be liable to a penalty of not less than fifty dollars, nor more than two hundred and fifty dollars, or to be imprisoned at hard labor for any term not exceeding one year or to both such penalty and imprisonment in the discretion of the Court, one-half of which pecuniary penalty shall be paid to the party giving the information which shall lead to the conviction of the offender."

SECTION 3. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved this 12th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LXVII.

AN ACT

TO AUTHORIZE THE INTRODUCTION OF CHINESE AGRICULTURAL LABORERS AND TO AMEND CHAPTER XXVIII. OF THE LAWS OF 1887, ENTITLED "AN ACT TO REGULATE CHINESE IMMIGRATION."

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. That Paragraph 2 of Section 5 of an Act entitled "An Act to Regulate Chinese Immigration," approved on the 20th day of December, 1887, being Chapter XXVIII. of the Laws of 1887, be and the same is hereby amended to read as follows :

"2. The Minister of Foreign Affairs, upon the written approval of the Board of Immigration as certified by its Secretary, shall issue, from time to time, special permits for persons of Chinese birth to enter and reside within this Kingdom upon the terms and conditions hereinafter prescribed. Such permits shall issue to persons or corporations engaged in agriculture in this Kingdom for as many Chinese laborers as he or they may, on oath, declare to be necessary for carrying on such several enterprises. Each of such special permits shall be issued in triplicate, one to be held by the Chinese presenting the same, the other two to be disposed of as provided by Section 3 of this Act. Such permits shall be signed by a Clerk of the Foreign Office, and numbered consecu-

tively which number shall be preserved in a record of the Foreign Office. Each of such permits shall contain the following conditions :

“First: That the bearer who presents it for entry into the Kingdom shall remain therein for a term not exceeding five years.

“Second: That such bearer shall not engage in any other occupation than that of agricultural labor provided that the term agricultural labor shall be held to include labor in Sugar Mills, Rice Mills and Coffee Mills and all labor incident thereto.

“Third: That if such person shall be found out of employment at any time during such term or engaged in any other employment than that of agricultural laborer or shall be found in this Kingdom after the expiration of such term, he may thereupon be arrested and held in custody until an opportunity occurs to return him to China.

“Fourth: That one-fourth of the money due to such person as compensation for work done shall be retained by the employer each month and forwarded by him to the Board of Immigration, to be by it deposited in the Treasury of the Kingdom as a special deposit, subject to the order of the President of the Board of Immigration, and to be returned by the said Board to such person upon his leaving the Kingdom. Provided, however, that such retention and deposit shall cease, whenever the sum to the credit of any one laborer shall amount to the sum of seventy-five dollars. The said Board shall have the authority to pay the return passage of such person out of such sums so deposited. If such person shall enter into any other employment than that of

agricultural labor or shall desert his employer, such money so deposited may be forfeited to the Hawaiian Government.

“Fifth: That the said bearer shall not be entitled to exercise the rights of an Hawaiian citizen as to the term of residence or employment while in the Hawaiian Kingdom, but shall be restricted to the term and employment named in such permit.”

SECTION 2. Before issuing the special residence permits as hereinbefore provided, the Minister of Foreign Affairs shall require of the persons or parties applying for the same to execute and deliver a bond to him for the use and benefit of the Hawaiian Government, in the penal sum of seventy-five dollars for each man to be landed under such special residence permits. The said Minister may in his discretion require one or more sureties to said Bond. Said bond shall be conditioned, that the applicant will furnish the man named in such special residence permit with agricultural labor so long as he remains in the Kingdom; that he will at the expiration of the term of service named in the special residence permit surrender the person therein named (except in case of death) to the Board of Immigration or its Agent; that he will forward and pay to the Board of Immigration each month, one-fourth of the money due for compensation for work and services done, until the sum so forwarded shall reach the sum of seventy-five dollars; that in case of desertion he will immediately notify the Inspector of Immigrants of the desertion of the person or persons so deserting, and that he will not be privy to nor assist the person named in such special residence permit from entering into or becoming engaged in any other trade, business or calling than that

of agricultural labor as defined by this Act. In case of forfeiture of the Bond, and of the payment of the penalty by the obligor therein named, the amount on deposit against the laborer named in the Bond, shall be paid over to such obligor.

SECTION 3. Special residence permits shall be issued in blank and the name of the laborer may be inserted at the time of presentation to the Customs officer for entry into the Kingdom or at any time previous thereto and a note of such presentation shall be endorsed on the permits. The duplicates and triplicates of such permits shall be filed in the office of the Board of Immigration and with the Collector of Customs.

SECTION 4. The presentation of such a permit by any person for admission into this Kingdom, shall be held to be a consent by such person to all of its terms, and shall prevent him or any person on his behalf from denying the validity of the same in any manner whatsoever in any Court of Justice.

SECTION 5. Any laborer deserting or leaving or refusing to do the work of his employer shall besides the provisions of sub-division 3 of Section 1 be also subject to the penalties prescribed by law for desertion or refusal to work.

SECTION 6. If at any time a laborer coming under the provisions of this Act desert his employer, such employer shall immediately notify the Inspector of Immigrants of such desertion by mailing a registered letter to him. The Inspector of Immigrants shall thereupon cause a notice of such desertion to be sent to the Sheriff or Deputy Sheriff of every district of the Kingdom.

Such Sheriff or Deputy Sheriff shall thereupon post, or cause to be posted, a notice that such Chinese, giving name and description, has deserted from his employer, with amount of reward (if any) offered for his delivery into custody. In the city of Honolulu at least twenty of such notices shall be posted in conspicuous places.

SECTION 7. All expenses paid out or incurred by the desertion and consequent arrest of any laborer shall be paid by such laborer from and out of his wages, and the employer shall be authorized to deduct such expenses if paid by him from his wages.

SECTION 8. Any employer who shall fail to notify the Inspector of Immigrants of the desertion of any or one of his laborers, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five nor more than one hundred dollars.

SECTION 9. Whoever shall, furnish, or give employment, or board, or lodging, or shall hide a runaway laborer one week after notice given as provided in Section 6 of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five nor more than one hundred dollars for each offence.

SECTION 10. The Minister of Foreign Affairs shall charge for each special residence permit issued by him under the provisions of this Act, the sum of one dollar, the money realized therefrom to be deposited in the treasury for the use and benefit of the Hawaiian Government.

SECTION 11. Upon the expiration of the term of said residence permit the Minister may, upon due cause shown to him by the person named in such permit, ex-

tend the term of such special residence a further term not exceeding five years.

SECTION 12. Upon the arrival of such laborers a registry and description of them shall be prepared in such manner as the Board of Immigration may deem necessary to ensure identification. And the said Board of Immigration is hereby authorized to make any and all such rules and regulations in the premises and as to identification and the same to alter and amend as they may deem necessary for the proper carrying out of the provisions and intentions of this Act. Any such regulations made, altered or amended shall have the effect and force of law after due notice thereof printed and published in a newspaper in Honolulu.

SECTION 13. Any person admitted to the Hawaiian Kingdom under the provisions of this Act, who shall be found in the Kingdom after the expiration of the term allowed by his permit, or who shall transfer such permit to any other person prior to its expiration, or who shall do any other matter or thing contrary to the provisions of this Act, or to the conditions of his special residence permit, or who shall violate any of the rules and regulations issued by the Board of Immigration, according to the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction thereof before any Police or District Magistrate, shall be fined not over two hundred dollars or imprisoned at hard labor not over two months, and after the satisfaction of such sentence shall be held in custody, at his own expense, till an opportunity arises to send him to China, whereupon he shall be thither deported.

SECTION 14. This Act shall take effect and become a law from and after the day of its approval. Provided, however, that should the Hawaiian Government at any time after the approval of this Act enter into a Labor Convention with the Empire of China, that then and in such case the Cabinet may in their discretion, after due notice given by publication in two newspapers printed and published in Honolulu, suspend the provisions and operations of this Act.

Approved this 14th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,
Minister of the Interior.

CHAPTER LXVIII.

AN ACT

TO REGULATE AND PROVIDE FOR THE INSPECTION, TESTING, STORAGE AND SALE OF KEROSENE OIL, AND TO REPEAL ALL PARTS OF AN ACT APPROVED ON THE THIRTEENTH DAY OF MAY, A. D. 1868, PROVIDING "FOR THE PROTECTION OF LIFE AND PROPERTY AGAINST EXPLOSIVE SUBSTANCES OTHER THAN GUNPOWDER," RE-ENACTED AS CHAPTER LXXXIX. OF THE PENAL CODE, DECLARED TO BE THE LAW OF THE LAND BY CHAPTER I. OF THE LAWS OF 1870, AS AMENDED BY CHAPTER XXII. OF THE LAWS OF 1878 AND CHAPTER XXIV. OF THE LAWS OF 1880, INCONSISTENT WITH THE PROVISIONS OF THIS ACT.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. It shall be unlawful, except as hereinafter provided, to sell, offer for sale, give, or in any way furnish or dispose of any Kerosene Oil for illuminating or any other purpose, in this Kingdom, which, after being inspected and tested in the most approved manner and with the most approved appliances shall ignite or evaporate an inflammable vapor at any temperature below one hundred and fifteen degrees Fahrenheit, but it shall be lawful to sell and dispose of any Kerosene Oil which bears a test of one hundred and fifteen degrees Fahrenheit or more.

SECTION 2. Immediately upon the taking effect of this Act the Minister of Finance shall appoint a skilled and suitable person or persons not interested in importing, dealing in, selling or furnishing Kerosene Oil, as Government Inspectors of Kerosene Oil ; and shall provide the most approved instruments and apparatus necessary for testing oils ; and the Inspectors shall keep a true and accurate record of all oils inspected by them, which shall contain the dates of inspections, the quantities tested, the names of the persons for whom inspected and the names of the vessels by which such oils were imported ; and also the trade mark of such oil and the degree at which the inflammable vapor ignited, and such records shall be open to the examination of any and all persons. And the Inspectors shall annually make and deliver to the Minister of Finance true and accurate reports of the inspections during the preceding year.

SECTION 3. The Inspector at, or nearest to, any port of this Kingdom shall inspect and test all Kerosene Oil as soon as landed by making not less than two or more than ten tests of any one importation of oil by one vessel and of one mark ; and any Inspector shall upon the request of the Marshal of the Kingdom or any Sheriff, inspect and test in like manner any oil stored in the Government storehouse or storehouses in the Kingdom set aside for that purpose at any time after importation and before removal from such place of storage. If upon such inspection and test the oil meets the requirements herein specified, the Inspector shall so certify to the owner or his agent or to the importer of the oil, but all oil which will not stand or be equal to the test herein provided shall be rejected.

SECTION 4. Any test of any lot of oil disputed may be submitted to the decision of a board of arbitrators, to consist of the Inspector, some one chosen by the contestant and a third to be chosen by the two so constituted. And the board shall procure samples and a majority may make an award. The costs of the arbitration to be borne by the contestant if the Inspector's test be approved, otherwise to be borne by the Government.

SECTION 5. The Minister of Finance is hereby authorized to make and issue a scale of fees for testing such oil. All fees and expenses incurred in testing such oil so imported shall be paid by the importer or consignee thereof.

SECTION 6. All Kerosene Oil, not equal to the test herein provided shall be at once exported by the owner, his agent or the importer, and in case of any neglect or unreasonable delay in so doing the Inspector shall seize and deliver the same to the Collector General of Customs.

SECTION 7. All Kerosene Oil imported into this Kingdom shall immediately after being landed be delivered at and stored in the Government Kerosene Storehouse or in storehouses set aside for that purpose; provided, that lots may be transferred directly from the wharf where landed to any vessel, railroad station or other place or premises authorized to receive the same, by furnishing the Inspector's certificate of the proper test of the same to the custom's guard or official in charge of the vessel of importation. And provided, further, that lots of not more than ten cases or one hundred gallons may be withdrawn from such storehouses and kept for consumption or sale on premises with an area

of at least four hundred square feet within distinct walls, other than partition walls, except when the partition walls are fireproof; and when oil is kept on neighboring premises, it shall be so arranged that there shall be at least twenty feet clear between any two lots, provided, that whenever, on account of the close contiguity of wooden buildings or inflammable structures, the storing of ten cases of Kerosene Oil, in each of such structures or separate premises might in the discretion of the Fire Marshal, cause special danger to the neighborhood in case of fire, the Fire Marshal may with the approval of the Minister of Finance, order the number of such cases reduced to any number not less than one case by written or verbal notice to any person upon such premises, or posted upon such premises, within such limits as the order shall specify and for these purposes, the Fire Marshal shall have the power to enter upon any premises in the Kingdom.

SECTION 8. Whoever shall sell, cause to be sold, attempt to sell, give, furnish, deliver, or in any way dispose of any Kerosene Oil, which has not been tested and inspected by the Government Inspector and certified to by him as of a proper test, or shall violate or attempt any violation of Section 7 of this Act, or neglect or refuse to obey any order of the Fire Marshal as therein provided, and whoever shall knowingly sell, cause to be sold, attempt to sell, give, furnish, deliver or have in possession any oil mentioned in this Act which is below one hundred and fifteen degrees Fahrenheit when tested as provided in this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or imprisonment at hard labor for not more

than six months or both at the discretion of the Court.

SECTION 9. Any violation of duty under this Act, on the part of any Inspector shall be a misdemeanor punishable by a fine of not less than one hundred dollars or more than one thousand dollars or imprisonment at hard labor for not more than one year or both at the discretion of the Court; and he shall be removed from his position.

SECTION 10. Any Kerosene Oil which shall be within the Kingdom, or which shall be in transit for this Kingdom at the taking effect of this Act shall be exempt from its provisions; provided, however, that such oil shall be liable to all the provisions of the law existing at the time of the approval of this Act.

SECTION 11. All parts of an Act approved on the thirteenth day of May, A. D. 1868, providing "For the protection of Life and Property against Explosive Substances other than Gunpowder," re-enacted as Chapter LXXXIX. of the Penal Code, declared to be the Law of the Land by Chapter I of the Laws of 1870, as amended by Chapter XXII. of the Laws of 1878, and Chapter XXIV. of the Laws of 1880, inconsistent with the provisions of this Act are hereby repealed.

SECTION 12. This Act shall take effect and become law from and after the date of its approval.

Approved this 14th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LXIX.

AN ACT

TO PROHIBIT THE MUTILATION OF COIN AND THE UTTERING OR RECEIVING OF THE SAME AS COIN.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:

SECTION 1. It shall be unlawful to cut and divide any of the lawful coins of the Kingdom into two or more pieces with the intent that such fractional pieces shall be used as coin. Whoever is guilty of mutilating the lawful coin of the Kingdom, shall upon conviction before a Police or District Magistrate, be punished by a fine of ten dollars, or by imprisonment at hard labor for twenty days.

SECTION 2. It shall be unlawful to pass or utter a fractional piece or pieces of coin as money, or as an equivalent for money. Whoever is guilty of passing or uttering such fractional coin as aforesaid shall upon conviction before any Police or District Magistrate be punished by a fine of five dollars or by imprisonment at hard labor for ten days.

SECTION 3. It shall be unlawful to receive a fractional piece or pieces of mutilated coin as money or as an equivalent therefor. Whoever is guilty of receiving such fractional pieces as aforesaid, shall upon conviction before any Police or District Magistrate, be punished by

a fine of two dollars or by imprisonment at hard labor for five days.

SECTION 4. Nothing in this Act contained shall be held to prohibit the buying up of mutilated coin as bullion.

SECTION 5. This Act shall take effect thirty days after its passage.

Approved this 14th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LXX.

AN ACT

TO AUTHORIZE THE HAWAIIAN GOVERNMENT TO CONTRACT FOR THE CONSTRUCTION AND MAINTENANCE OF SUBMARINE ELECTRIC TELEGRAPH CABLES.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:

SECTION 1. The Minister of Finance, with the concurrence of the Cabinet, is hereby authorized to enter into a contract with any person or corporation for the construction, laying and maintaining of a submarine electric cable, from and between some point within the boundaries of the United States of America or elsewhere and some point upon one or more of the Islands of this Kingdom, in substance as hereinafter provided.

SECTION 2. Such contract may by its terms, provide for the grant, concession and confirmation by the Hawaiian Government to any such person or corporation, (hereinafter named and referred to as the constructors) of the sole and exclusive right and privilege to construct or land a submarine electric telegraph cable or cables which shall reach from any point upon the shores of any Island of the Hawaiian Group to any point within the boundaries of the United States of America or elsewhere for and during a period not exceeding fifteen years from the first day of January, 1891, in the discretion of the Minister of Finance. Provided, however, that the Minister of Finance may at any time after the first day of January, 1892, require assurances from such constructors, that such cable shall be completed from some point on the North American Continent or elsewhere to some island of the Hawaiian Group, not later than the first day of January, 1894; and if the said constructors upon such request being made, shall fail to give such assurances in that behalf as shall be satisfactory to the Hawaiian Government, then the exclusive right and privilege, the grant of which is hereinbefore authorized, shall, at the option of the said Cabinet, at once, or at any time thereafter lapse and become void, upon notice to that effect being given to the said constructors :

And further provided, that the concession and grant hereinbefore authorized shall not be so construed as to disable, prevent or preclude the Hawaiian Government, in its discretion from consenting to the laying or landing through its waters, or upon its shores, of any submarine telegraph or other electric cable or cables, which, during the period of fifteen years hereinbefore

mentioned shall be constructed or laid or sought to be constructed, or laid, or landed, upon Hawaiian shores, by or on behalf of any foreign government.

SECTION 3. Such contract may further provide for the payment by the Hawaiian Government, to said constructors of an annual subsidy, not to exceed twenty-five thousand dollars, in legal tender of the Hawaiian Kingdom, for and during a period not to exceed fifteen years from the date of the establishment, over such cable, of telegraphic communication between the City of Honolulu and some point on the North American Continent or elsewhere. Provided that such communication shall be established not later than the first day of January, 1894.

SECTION 4. The grant of any of the rights or privileges and the payment of any subsidy hereinbefore authorized, shall be conditioned upon the covenants of said constructors, to be expressed in such contract, that is to say :

1. That during such period, as the Minister of Finance shall pay the subsidy hereinbefore authorized, the messages of, or for, the Hawaiian Government shall be received and transmitted and delivered by and over such cable free of charge. Provided, however, that if the cost of such messages when computed, at half the regular rates for ordinary press messages shall exceed the amount of the annual subsidy paid or contracted to be paid as hereinbefore authorized for any year then the excess of such expense shall be paid by the said Minister of Finance to said constructors.

2. That said constructors shall not make, or form, or permit any combination, pool, or other agreement with

any other person, body, company or syndicate who or which shall hereafter own or operate any cable or cables, the effect or purpose of which shall be to advance or increase the rates of telegraphy to or from the Hawaiian Islands by or over any cable which shall be laid or constructed to or from the Hawaiian Islands by the said constructors.

3. That the rates for the transmission of messages to and from the Hawaiian Islands by and over any cable which shall be laid or constructed by said constructors shall not exceed the following prescribed limit, that is to say :

4. For all messages other than Hawaiian Government and press messages, to or fro, between the point of such cable's connection with the American telegraph system and Honolulu, not more than forty per cent of the rates which shall be charged for like messages over such cable, to or fro, between said American point and any point in New Zealand or Australia, if such cable be extended to New Zealand and Australia or if said cable be extended to other points, in a similar proportion.

5. For like messages to or fro between Honolulu and the point or points of such cable's connection with either the New Zealand or the Australian telegraph system, not more than sixty per cent of the rate which shall be charged for like messages over such cable, to or fro, between either said New Zealand point or said Australian point and said American point, should such cable be extended to New Zealand and Australia or if said cable be extended to other points, in a similar proportion.

6. Should such cable be constructed only from the

Hawaiian Islands to the American Continent, the contract shall fix a maximum scale of charges.

7. The rates for ordinary messages or items of news to any newspaper or news bureau of the Hawaiian Kingdom (commonly known as press messages) shall not exceed one-half the rate which shall be charged for other messages, excepting messages to or from the Hawaiian Government, or any Officer thereof, in his official capacity.

8. All messages, other than Hawaiian Government and press messages, shall be transmitted at and for one and the same rate ; provided, that the constructors may transmit messages for other governments at reduced rates.

9. In no case or instance shall any message over such cable, to or fro, between the Hawaiian Islands and any foreign port or point, be charged for at a greater or higher rate than shall prevail in the case of a like message over such cable to or from any other point, equally, or more remote from Honolulu.

Approved this 14th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LXXI.

AN ACT

TO AMEND SECTIONS 1 AND 2, AND TO REPEAL SECTION 3, OF CHAPTER VII. OF THE PENAL CODE, IN RELATION TO THE CRIME OF MURDER.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. That Section 1 of Chapter VII. of the Penal Code be and the same is hereby amended by adding thereto the following words: "and is of two degrees, the first and second, which shall be found by the jury," so that said Section, as amended, shall read as follows :

"Section 1. Murder is the killing of any human being with malice aforethought, without authority, justification or extenuation by law, and is of two degrees, the first and second, which shall be found by the jury."

SECTION 2. That Section 2 of said Chapter VII. of the Penal Code be and the same is hereby amended by adding thereto four new Sections, to be respectively designated as Section 2a, Section 2b, Section 2c and Section 2d, so that said Section 2 shall read as follows :

"Section 2. When the act of killing another is proved, malice aforethought shall be presumed, and the burthen shall rest upon the party who committed the

killing to show that it did not exist, or a legal justification or extenuation therefor.

“Section 2a. Murder committed with deliberate premeditated malice aforethought, or in the commission of or attempt to commit any crime punishable with death, or committed with extreme atrocity or cruelty is murder in the first degree.

“Section 2b. Murder not appearing to be in the first degree is murder in the second degree.

“Section 2c. Whoever is guilty of murder in the first degree shall suffer the punishment of death.

“Section 2d. Whoever is guilty of murder in the second degree shall be punished by imprisonment at hard labor for a term of years not less than twenty in the discretion of the Court.”

SECTION 3. That Section 3 of said Chapter VII. of the Penal Code is hereby repealed.

SECTION 4. This Act shall take effect from and after its approval.

Approved this 14th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LXXII.

AN ACT

TO AMEND SECTIONS 2 AND 5 OF CHAPTER XVI. OF THE SESSION LAWS OF 1886, ENTITLED "AN ACT TO REGULATE THE CONSTRUCTION OF BUILDINGS IN THE CITY OF HONOLULU, AND ELSEWHERE WITHIN THE KINGDOM."

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. That Section 2 of Chapter XVI. of the Session Laws of 1886 be and the same is hereby amended to read as follows :

"Section 2. The Minister of Interior after the approval of the Superintendent of Public Works as herein provided or such other competent officer as may be appointed by the Minister of Interior for that purpose, shall grant permission to erect, place or move any building within the City of Honolulu upon the application, of any person, firm or corporation, and upon compliance with the following conditions :

"1. That upon filing such application the applicant shall submit the plans and specifications of the building as it is intended to be when so erected, placed or moved.

"2. That upon receipt of such plans and specifications the officer receiving the same shall forthwith deliver

the same to the Fire Marshall who shall inspect and examine the same as to their construction and location, and security and stability, and their security from danger to fire, or destruction or loss from fire, or destruction or danger to life, and also are in conformity with the building and fire laws of the Kingdom, and also the location thereof, and he shall if he approves of the same, grant a certificate thereof, but if he disapproves he shall sign a certificate with the grounds or reasons of disapproval, and in each case shall return the plans and specifications with his certificate to the Superintendent of Public Works or other officer appointed for such purpose, who after examination as provided in the following Section shall then endorse his approval or disapproval with reasons or grounds and submit the same to the Minister of Interior.

“3. That if upon the examination of such plans and specifications, it shall appear to the satisfaction of the Superintendent of the Public Works, or of such architect, builder or other person as shall be designated by the Minister of the Interior to examine the same, that the materials of which such building is to be constructed, or to consist when completed, are of sufficient strength and size, and properly placed and fastened; to make the building strong and safe for the uses and purposes for which it is intended, he shall also certify his approval of such plans and specifications.

“4. That for the inspection and examination by Fire Marshal the applicant shall pay a fee of Five Dollars for the certificate, to be paid into the Treasury through the Department of Interior as a Government realization.”

SECTION 2. That Section 5 of Chapter XVI. of the Session Laws of 1886, be and the same is hereby amended so as to read as follows :

“Section 5. The provisions of this Act shall not apply to any building to cost less than one thousand dollars which may be erected, moved or placed in the City of Honolulu outside or beyond the following limit or boundary that is outside or beyond all the space within a circle whose center is the present site of the Bell Tower of the Honolulu Fire Department and whose radius is one mile.”

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 14th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LXXIII.

AN ACT

TO AMEND SECTION 22 OF CHAPTER LV. OF THE LAWS OF 1876, RELATING TO STAMP DUTIES, AS AMENDED BY CHAPTER XX. OF THE LAWS OF 1888.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. That Section 22 of Chapter LV. of the Laws of 1876, relating to Stamp Duties, as amended by

Section 1 of Chapter XX. of the Laws of 1888, be and the same is hereby further amended so as to read as follows :

“Section 22. The Registrar of Public Accounts may impress stamps upon blanks and furnish them to the Collector General of Customs, who shall be entitled to receive them without payment, but give receipts therefor being bound to account for the use and proceeds of the same to the Department of Finance in his returns as required by law. For the convenience of the Districts outside of Honolulu, the Registrar of Public Accounts shall provide adhesive revenue stamps to the Postmaster General of Honolulu for delivery to all money order post offices throughout the Kingdom, he giving receipts for the same and being bound on the first day of each quarter to account to the Registrar for all such stamps received by him, the amount sold and the balance unsold, together with the proceeds of such sales.”

SECTION 2. This Act shall take effect and become law from and after the date of its approval.

Approved this 14th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LXXIV.

AN ACT

TO PERMIT THE HAWAIIAN TRAMWAYS COMPANY, LIMITED,
TO USE AND MAINTAIN ELECTRIC TRACTION

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom :*

SECTION 1. Permission is hereby granted to the Hawaiian Tramways Company, Limited, to use and maintain electric power for moving and propelling their cars and to carry such wires which may be necessary, therefor, over and along or under the highways and public roads and across lands and waters.

SECTION 2. The said permission is granted subject to the following conditions :

1. The said Company shall not interfere with or impair the telephone service ;
2. It shall erect and maintain its posts and lines so as not to interfere with the public use of the streets, highways and public roads ;
3. Wherever its lines are laid underground the necessary excavations shall be immediately filled and the streets, highways and public roads restored to the condition in which they were before such excavations were made.

SECTION 3. This Act shall go into effect from the date of its approval.

Approved this 14th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LXXV.

AN ACT

TO DECLARE CERTAIN LANDS TO BE PART OF THE CROWN
LANDS AND ROYAL DOMAIN.

WHEREAS, certain unassigned lands have hitherto and at all time heretofore been held to be part of the Crown Lands and Royal Domain and as such were and are now in the possession of the Crown Land Commissioners ; therefore,

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. The Ahupuaa's known under the following names and situated as hereinafter set forth, that is to say :

1. Kuliouou, in the District of Kona, Island of Oahu ;
2. Keaau, in the District of Waianae, Island of Oahu ;
3. Hakalauiki, in the District of Hilo, Island of Hawaii ;

4. Manowaiopae, in the District of Hilo, Island of Hawaii ;
5. Kamoku, in the Island of Lanai ;
6. Paoma-i “ “ “
7. Waiaha 2 “ “ Hawaii ;
8. Kapaakea “ “ Molokai ;
9. Waiohuli “ “ Maui ;

are hereby declared to be a part of the Crown Lands and Royal Domain of the Hawaiian Kingdom and as such subject to the provisions of the Act entitled “An Act to relieve the Royal Domain from encumbrances, and to render the same inalienable,” approved the 3rd day of January, A. D. 1865 ; and the possession of said lands is hereby confirmed in accordance with the provisions of Sections 3 and 4 and 6 of said Act to the Crown Land Commissioners and successors in office.

SECTION 2. This Act shall be in force from and after its approval.

Approved this 14th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LXXVI.

AN ACT

TO ESTABLISH A GOVERNOR ON EACH OF THE ISLANDS OF
OAHU, MAUI, HAWAII AND KAUAL.

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom :*

SECTION 1. The King by and with the advice of the Cabinet shall appoint four Governors for the several Islands, viz: One for the Island of Hawaii, one for the Islands of Maui, Molokai Lanai and Kahoolawe, one for the Island of Oahu, and one for the Islands of Kauai and Niihau.

SECTION 2. Every such Governor before entering upon the duties of his office, shall take and subscribe to the following oath: I hereby solemnly swear, in the presence of Almighty God, that I will support the Constitution and the laws of these Islands, and faithfully perform all such acts as are provided by the Constitution and laws of the Hawaiian Islands for the office of Governor.

SECTION 3. Every such Governor, in case of sickness or unavoidable absence, shall by and with the consent of the Cabinet, appoint a substitute, for all whose official acts he will be held responsible.

SECTION 4. Every such Governor shall hold office for the term of four years, subject to impeachment.

SECTION 5. No female shall be eligible to the office of Governor.

SECTION 6. The Governor shall have command under the Sovereign of the Military Forces in their respective Islands. They shall have power to nominate to the King, through the Minister of the Interior, those whom they wish to attach to their Military staff. They shall have power to declare Martial Law in their respective Islands, and to devise measures to quell any insurrection or riot, and shall have power to direct and control any Military Force legally organized.

SECTION 7. This Act shall take effect from and after the first day of January 1891.

Approved this 14th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,
Minister of the Interior.

CHAPTER LXXVII.

AN ACT

GRANTING A FRANCHISE TO THE HAMAKUA WATER
COMPANY.

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom :*

SECTION 1. That a franchise be and the same is hereby granted to F. A. Schaefer and Samuel Parker their suc-

cessors and assigns under the name of the Hamakua Water Company for and during the period hereinafter named.

SECTION 2. They shall have the right to take, use, carry away and divert, for their own use from the natural beds, flows or streams, all such water that may take its rise on any and all Government land or lands that lie on the range of mountains situate and being between Waimea and Kohala on the Island of Hawaii.

SECTION 3. They shall have the right to construct reservoirs and to lay down all water ways, pipes, conduits, ditches flumes or other means of conducting said water as they may deem necessary or expedient over upon or through all Government lands, or public roads in the District of Hamakua, Island of Hawaii for the proper storing, conducting or carrying of said water to such place or places in said District as may be required.

SECTION 4. They shall have the right of ingress, egress and regress over, through and upon all such Government lands during the continuance of this franchise, for the purpose of repairing, relaying or altering all such water-ways, pipes, conduits, ditches, flumes or other means of conducting said water.

SECTION 5. They shall restore said Government Lands and public roads into as good order and condition as the same were before, or can reasonably be put to, after the constructing of said reservoir or reservoirs, water-ways, pipes, conduits, ditches or flumes, at their own cost and expense.

They shall also build and maintain at their own cost good and sufficient bridges over such conduits as they may be obliged to construct across public roads.

SECTION 6. The said F. A. Schaefer and Samuel Parker may accept this franchise and erect and maintain all such works as may be necessary for the purposes of said business, individually or as a Company with the right to receive therein such person or persons as they may choose, or may at their discretion incorporate under the laws of this Kingdom and convey or transfer the franchise hereby granted to such corporation.

SECTION 7. All sums of money laid out or expended by the Hawaiian Government in, upon or concerning the survey of the water-shed of said Kohala and Waimea range of mountains during the last past two years shall be repaid to the Hawaiian Government by the said F. A. Schaefer and Samuel Parker or their successors or assigns within two years after the passage of this Act.

SECTION 8. This franchise shall vest in the said F. A. Schaefer and Samuel Parker their successors, associates or assigns the right to take, use, carry away and divert for their own use all such water that shall take its rise on or flow through or upon any and all Government lands that lie on or in the range of mountains lying between Waimea and Kohala on the Island of Hawaii for the term of fifty years from the date of the approval of this Act, provided however that they or their associates, successors or assigns shall within two years from the passage of this Act, commence work for the purpose of diverting and carrying away said water and shall finish and complete such work within five years from such commencement; and a failure to comply with the

provisions of this Section shall operate as a forfeiture of this franchise.

SECTION 9. This Act shall take effect from and after the date of its approval.

Approved this 14th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of Interior.

CHAPTER LXXVIII.

AN ACT

TO SETTLE THE TITLE TO CERTAIN UNAWARDED LANDS, AND TO AUTHORIZE A COMPROMISE WITH THE TRUSTEES UNDER THE WILL OF THE LATE BERNICE PAUAHI BISHOP.

WHEREAS, the late Chiefess, the Honorable Bernice Pauahi Bishop, became devisee of the estate of her late cousin Her Highness Ruth Keelidolani, who had inherited the estate of her brother His Majesty Kamehameha V., and by said devise and inheritance said Bernice Pauahi Bishop came into possession of certain lands which had been continuously held and claimed by her ancestors, now called unassigned lands, of which the following are at present in the possession of the Trustees of her estate, viz :

The Ahupuaa of Kaunakakai, Molokai.

The Ahupuaa of Paauau, Kau, Hawaii.

The mauka portion of the Ili of Kaakaukukui, Oahu,
Haiku, 1 and 2, Hilo, Hawaii.

Kaiaakea,	“	“
Kaluakailio,	“	“
Kaumana,	“	“
Kauuiho, 1 and 2,	“	“
Lepoloa,	“	“
Maulua-iki,	“	“
Piha, 1 and 2,	“	“
Waikaumalo,	“	“
Kaapoko,	“	“
Kaieie,	“	“
Mohoeka, 1 and 2, Kau,	“	“

AND WHEREAS, the said Chiefess has devised her entire estate to trustees for the establishment and maintenance of schools for boys and girls, which constitutes a generous and valuable gift in perpetuity to the public for the promotion of the education of the youth of this Kingdom, and it is desirable for the interests of all concerned that all questions of title to said premises should be settled ;

AND WHEREAS, the said Trustees have offered to the Minister of the Interior upon the confirmation to them for said trust of the following lands, namely : The Ahupuaa of Kaunakakai in Molokai, on which Kamehameha V., and his successors in possession expended large sums in improvements ; the Ahupuaa of Paauau in Kau, Hawaii, and the unawarded mauka part of the Ili of Kaakaukukui in Kona, Oahu, to surrender and quit-claim unto the Hawaiian Government all of the remainder of the lands above named, existing leases however to be con-

firmed by the Government and no claim made for mesne profits ; therefore,

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. Upon the delivery to the Minister of the Interior of a quit-claim Deed from the Trustees under the Will of the late Bernice Pauahi Bishop of all of their interest in and to the following tracts of land, viz :

Haiku, 1 and 2, Hilo, Hawaii.

Kaiaakea, " "

Kaluakailio, " "

Kaumana, " "

Kauuiho, 1 and 2, " "

Lepoloa, " "

Maulua-iki, " "

Piha, 1 and 2, " "

Waikaumalo, " "

Kaapoko, " "

Kaieie, " "

Mohakea, 1 and 2, Kau, "

A Patent shall issue to said Trustees for the following lands, viz :

The Ahupuaa of Kaunakakai, Molokai.

The Ahupuaa of Paauau, Kau, Hawaii.

The unawarded portion of the Ili of Kaakaukukui, Oahu.

SECTION 2. Such conveyances shall operate as a complete and final settlement of all rights and questions in dispute or which might be in dispute between the Hawaiian Government and said Trustees in regard to said lands ; and said lands surrendered to the Hawaiian

Government shall be taken subject to all existing leases which are hereby confirmed for the remainder of the several terms of each.

Approved this 14th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LXXIX.

AN ACT

TO DEFINE THE DUTIES TO BE PERFORMED BY THOSE PERSONS WHO HAVE BECOME THE "KOKUAS" OF THE LEPERS.

WHEREAS, many doubts and disputes have arisen as to what the duties to be performed by those persons who have become the "Kokuas" of those afflicted with leprosy consist of, and

WHEREAS, it is proper in order to remove such difficulty that the nature of such duties to be performed by such Kokuas be distinctly provided for by law therefore,

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. Every Kokuas who has heretofore received permission, or who may hereafter get permission to go to the Leper Settlement, according to law, shall

perform the duties of Kokua to their leper friends as provided in the Second Section of this Act, and in no other way.

SECTION 2. The duties to be performed by the Kokuas of the lepers shall be that each Kokua must take care of the leper or lepers that he went there to assist, and to go and get and prepare in a suitable manner all food and other supplies that are furnished by the Government to the lepers, and attend to the clothing and other things that would contribute to the comfort of the lepers whose Kokuas they are. And said Kokuas shall also perform such labor and service as may be required by the Board of Health when requested to do so by the Superintendent of the Leper Settlement, for which services they shall be paid such wages as are deemed fair and just by the Board of Health, such wages to be not less than fifty cents per diem. And any Kokua refusing to perform such labor as above stated or who shall violate any rule or regulation of the Board of Health shall be liable on conviction before a Police Magistrate or District Judge to expulsion from the settlement.

SECTION 3. This Act shall take effect and become law from and after the date of its approval, and all laws in conflict with the provisions of this Act are hereby repealed.

Approved this 14th day of November, A. D. 1890.

KALAKAUA REX,

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LXXX.

AN ACT

TO TRANSFER THE POST-OFFICE FROM THE DEPARTMENT
OF THE INTERIOR TO THE DEPARTMENT OF FINANCE.

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom :*

SECTION 1. The care, control and supervision of the Post-Offices of the Kingdom is hereby transferred from the Department of the Interior to the Department of Finance, and all duties, acts and matters heretofore imposed on and to be performed by the Minister of the Interior in relation to the Post-Office, Postal Matters, Postal Savings Bank and Postal Money Order system are hereby imposed upon and required to be performed by the Minister of Finance.

SECTION 2. The following laws and parts of laws are hereby amended by substituting the words "Minister of Finance" in place of the words "Minister of the Interior" wherever the same occur :

" 'Article VI. of the Post-Office' of the Civil Code, etc.;

"Section 367 of the Civil Code as amended by Section 1 of Chapter XVIII. of the Session Laws of 1887 ;

"Section 398 of the Civil Code as amended by Section 1 of Chapter XXXIX. of the Session Laws of 1882 ;

“Section 402 of the Civil Code as amended by Section 5 of Chapter XVIII. of the Session Laws of 1887 ;

“Section 411 of the Civil Code ;

“Section 412 of the Civil Code ;

“Section 1 and Section 2 of Chapter XXXV. of the Session Laws of 1882 ;

“Sections 9 and 10 of Chapter XLVI. of the Session Laws of 1884 ;

“Section 1 of Chapter LXIV. of the Session Laws of 1888 ;

“Section 2 of Chapter XXXVIII. of the Session Laws of 1888.”

SECTION 3. That Section 36 of the Civil Code be and the same is hereby amended by striking out the words “of the Post-Offices.”

SECTION 4. Whenever under the postal laws of the Kingdom, the Postmaster-General or any of his subordinates are at the passage of this Act required to perform any act or duty or render any accounting under or by direction of the Minister of the Interior, the said Postmaster-General and his subordinates shall hereafter perform any such act or duty, or render such accounting of him or them required under said postal laws by and under the requirement and direction of the Minister of Finance.

SECTION 5. From and after the approval of this Act the Minister of Finance is hereby authorized to draw and expend all appropriations in the Interior Department contained under the head of Postal Bureau in the Appropriation Bill ending March 31st, 1892.

SECTION 6. This Act shall take effect from and after the 1st day of January, 1891.

Approved this 14th day of November, A. D. 1890.

KALAKAUA REX,

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LXXXI.

AN ACT

RELATING TO THE COMPULSORY SCHOOL AGE OF CHILDREN.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. It shall be incumbent on all parents, guardians and adopters of children, to send such children, from their sixth to their fifteenth year of age to some lawful school, public or private, to be instructed in good morals and elementary learning.

SECTION 2. If however any pupil in the public schools, conducted in the English language, shall have attained a fair degree of proficiency in the school work as defined in Section 3 of this Act, before attaining the age of fifteen years, and after reaching the age of thirteen, such pupil shall be released from further compulsory attendance entirely or for a limited or fixed period on the written request of its parent, guardian or adopters made to the principal teacher of the school.

And such teacher shall be the judge of the required proficiency of the pupils subject to appeal to the School Agent of the district, or to the Inspector General of Schools.

SECTION 3. The requirement of a "fair degree of proficiency" contemplated by this Act, shall be construed to mean the acquirement of facility in the school work laid down for the sixth year, in the "Course of Study" at present in use in the public schools of the Kingdom, or correspondingly, in any future course of study that shall be prepared for the purpose.

SECTION 4. All laws or parts of laws in conflict with this Act are hereby repealed.

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 14th day of November, A. D. 1890.

KALAKAUA REX,

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LXXXII.

AN ACT

TO AMEND SECTIONS 2, 3, 4, 6, 8 AND 9 AND TO REPEAL SECTION 12 OF THE ACT ENTITLED "AN ACT TO AMEND THE LAW CONCERNING ROAD SUPERVISORS, AND THE DISPOSITION OF THE ROAD TAX, AND TO ESTABLISH LOCAL ROAD BOARDS, AND TO DEFINE THEIR DUTIES," APPROVED NOVEMBER 25TH, 1887, AND TO ADD A NEW SECTION TO SAID ACT BE CALLED SECTION 14.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:

SECTION 1. Section 2 of said Act is hereby amended so that the same shall read as follows :

"Section 2. There shall be elected by the qualified voters of each taxation district at the next general election of Representatives and Nobles to be held in the year 1892, and at every general election thereafter, three competent residents of each taxation (?) district of the Kingdom who shall act as and be the Road Board of the District for which they are elected. Such persons shall be elected and hold office for the term of two years from the day of election. The ballots for such election shall be the same as is designated by law for the election of Representatives but shall be printed on yellow paper and the election shall in all respects be carried on and proclamations made as is now or may hereafter be provided for by the general election laws of the Kingdom.

Provided, however, that it shall not be necessary for the Candidates for election to procure or file with the Minister of the Interior a nomination paper for said office. Each candidate not less than twenty days before election shall notify the Minister of the Interior of his intention of becoming a candidate for election in order that ballots may be prepared and sent to the Inspectors of Election of each District. Whenever more than one taxation district is included in any election district the voting for the members of the Road Boards for such taxation districts may be held in such voting place or places within said election district as the Minister of the Interior may designate. There shall be a separate ballot box to receive the ballot cast for the members of the Road Boards.

“In the event of the death or resignation of any member of a Road Board, such vacancy shall be filled by the Minister of the Interior. The appointment to such vacancy shall be for the unexpired term of office of the person so dying or resigning. The members of such Road Boards shall elect one of their number to be chairman of their said Board. The members of such Road Boards shall serve without pay.”

SECTION 2. Section 3 of said Act is hereby amended so that it shall read as follows :

“Section 3. The Road Boards shall have the entire charge and control of the public labor on all roads, bridges and public highways, within their respective districts and shall have the supervision and control, of the expenditure of all road taxes and all moneys appropriated by the Legislature and used in making and repairing the same, and in such amounts as the res-

pective Boards or a majority of the members thereof may decide. The Minister of the Interior shall upon the nomination of the respective Road Boards or a majority of each of such Road Boards appoint a competent person in each taxation district of the Kingdom to be Road Supervisor for such taxation district. Said Road Supervisor may be removed at any time by the Minister of the Interior upon the written request of the Road Board or a majority of the members of such Road Board. Nothing herein contained shall be construed so as to prevent one person from holding the position of Road Supervisor for more than the one taxation district for which he was originally or first appointed."

SECTION 3. Section 4 of said Act is hereby amended so that it shall read as follows :

"Section 4. The Road Supervisor shall before entering upon the duties of his office, file in the Interior Office a bond with sufficient sureties to the Minister of the Interior in a penal sum not to exceed the estimated amount of the Road Tax of the District. Said bond shall be conditioned for a faithful disposition of, and accounting for, the road moneys which may be paid to him or his order or expended by him in the work of the district."

SECTION 4. Section 6 of said Act is hereby amended so that the same shall read as follows :

"Section 6. A full record shall be kept by the Road Supervisor of all business transacted at any meeting of the Road Board and of the work done in the district. Full account shall also be kept by him of all moneys received, showing the source from whence derived and

of all moneys paid out, showing also the locality in which expended, whether for labor or material, and the persons to whom paid. Such records and accounts shall be open to the inspection of any tax-payer resident in the district, at any of the meetings of the Board."

SECTION 5. Section 8 of said Act is hereby amended so that the same shall read as follows :

"Section 8. All Road Taxes shall be paid into the Public treasury and the amount so paid in from each district shall be a special deposit in the Treasury to the credit of such district to be paid out only by draft through the Interior Department upon the order of the Road Supervisors which order shall also be countersigned by the chairmen of the Road Boards. The Minister of Finance shall under no circumstances, allow such special deposits, or any part thereof, to be used for any other purpose than to pay the drafts which may be drawn by the Minister of the Interior upon the orders as hereinbefore provided."

SECTION 6. Section 9 of said Act is hereby amended, so that the same shall read as follows :

"Section 9. The Road Supervisor shall, at the end of each quarter, send to the Minister of the Interior a detailed statement of the work done in his district during the quarter, and also a detailed financial statement, setting forth all receipts and expenditures, accompanied by vouchers for all expenditures."

SECTION 7. Section 12 of the said Act shall be and the same is hereby repealed.

SECTION 8. A new Section to be called Section 14 is hereby added to said Act :

“Section 14. Any new roads, the construction of which shall have been provided for by the Legislature outside of the Road Taxes may be constructed by the Minister of the Interior without reference to the District Road Boards.”

SECTION 9. This Act shall take effect and become a law from and after the date of its approval, provided, however, that every act, matter and thing, requisite, required, or necessary to be done for the carrying out of the provisions of the Act entitled “An Act to amend the law concerning Road Supervisors and the disposition of the Road Tax, and to establish local Road Boards, and to define their duties,” approved November 25th, 1887, between the day of the date of the approval of this Act and the first day of January, 1892, shall be done and performed the same as if the said Act had not been altered or amended.

Approved this 14th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LXXXIII.

AN ACT

GRANTING A FRANCHISE TO THE HAWAIIAN GAS COMPANY.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. That a franchise be and the same is hereby granted to Emmet C. Winston and his assigns under the name of the "Hawaiian Gas Company," to supply the City of Honolulu and all towns and villages of the Kingdom of Hawaii other than Honolulu, and the citizens and the residents of the said city, towns and villages with a hydro-carbon gas for use by the said city, towns and villages, citizens and residents, for every purpose for which the same may be used for and during the period hereinafter expressed.

GAS WORKS.

SECTION 2. The said company shall have the right to erect at such place or places in the city, towns and villages, as the Minister of the Interior may approve, gas-works for the manufacture of a hydro-carbon gas, and the right to maintain and operate the same during the continuance of the franchise.

PIPES AND MAINS.

SECTION 3. The said company shall have the right to lay down their main and distributing and supply pipes in all or any of the streets, roads, alleys and public

grounds of the city of Honolulu, and of all towns and villages of the Kingdom of Hawaii other than Honolulu, as the said company may deem expedient or necessary ; provided, however, that they cause no unnecessary interruption to the use of such streets, roads, alleys or grounds in laying the same, and that such main and distributing and supply pipes are laid at such reasonable depths as will not interfere with the ordinary use thereof ; and that they will restore the same streets, roads, alleys and public grounds after laying such main and distributing and supply pipes to as good order and condition as they were in before ; and further provided that should said company fail to restore the streets, roads, alleys and public grounds into as good order and condition as they were in before such laying and preparing, that then and in that case the said company or any officer thereof upon conviction before any Police or District Magistrate shall be fined in a sum of not more than five hundred nor less than one hundred dollars for each offence. Provided, however, that nothing herein contained shall be construed to be inconsistent with or repugnant to any of the laws of this Kingdom, the rules and regulations of the Fire Department, and the authority of the Minister of the Interior over the roads and the bridges of the Kingdom.

LAMP-POSTS AND LAMPS.

SECTION 4. The said company shall have the right to erect lamp-posts and lamps for lighting the streets, roads, alleys and public grounds of such city, towns and villages at such places as may be approved by the said Minister of the Interior.

CONNECTION PIPES.

SECTION 5. The said company shall have the right during the continuance of this franchise to lay connecting pipes in any or all of the said streets, roads, alleys or grounds for the purpose of supplying dwellings, stores, offices and any and all buildings public or private, and street lamps for lighting the streets and roads of the said city, towns and villages as may be necessary or expedient, and to replace and repair and remove the same, in all cases restoring such streets, roads, alleys or grounds to the same or as good condition as they were in before, and to conform to any change of grade made by the Minister of the Interior of the Hawaiian Islands during the existence of this franchise.

REPAIRING PIPES AND MAINS.

SECTION 6. The said company shall have the right during the continuance of this franchise to dig up, remove, replace or repair such main and distributing and supply pipes, lamp-posts and lamps as they may find necessary or expedient.

ADJUSTING METERS.

SECTION 7. The said company shall have the right at reasonable hours and times to enter all buildings using gas of the said company for the purpose of repairing and adjusting gas meters and pipes therein, and to take account of gas consumed, and for all purposes connected with the use of gas in such dwellings or buildings.

PRICE OF GAS.

SECTION 8. The said company shall have the right to charge, receive and collect from all consumers of gas for gas furnished by them to such consumers such price as

they may from time to time fix and determine, not exceeding five dollars per thousand cubic feet ; and in the absence of any contract to the contrary, a reduction shall be made for all gas used by the Government of one-third of the price charged other consumers.

SUPPLY PIPES, ETC.

SECTION 9. The said company shall have the right to charge consumers or intended consumers of gas for making connections with their pipes and mains, and for such lengths of supply pipes as may be required to convey gas from the main or distributing pipe to the building or lamp-post, as the case may be, a reasonable and uniform price, to be fixed by the said company.

DELINQUENT CONSUMERS.

SECTION 10. The said company shall have the right at their discretion after twenty-four hours' notice to cut off the supply of gas from any consumer who shall refuse or fail to pay the proper bills for gas consumed of the said company within such time as the said company may fix for the payment of the same ; but such cutting off the gas from such consumer shall not prevent the said company from suing and recovering such unpaid bill or bills in any court having jurisdiction thereof.

RIGHT TO INCORPORATE.

SECTION 11. The said Winston may accept this franchise and erect and maintain gas works on his own account, or he may jointly with others erect and maintain the same, or he and others, or his assigns alone, may at their discretion become incorporated under the laws of the Hawaiian Islands, and convey and transfer to such corporation the franchise hereby granted.

SECTION 12. This franchise shall vest in the said company the right to construct and maintain gas works in the said city, towns and villages for the term of twenty-five years from and after the passage of this Act, provided that they shall, within eighteen months from and after the passage hereof, commence work thereon, and have the same in operation within two years thereafter; and a failure to comply with the provisions of this Section shall operate as a forfeiture of this franchise, but no other penalty, forfeiture or liability on the part of the said company shall be incurred for such failure.

QUALITY OF GAS.

SECTION 13. The gas furnished by the said company for the purpose of lighting the said city of Honolulu shall be of standard quality of not less than fifteen candle power.

SECTION 14. This Act shall take effect and become a law from and after the date of its approval.

Approved this 14th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING:

C. N. SPENCER,

Minister of the Interior.

CHAPTER LXXXIV.

AN ACT

TO AMEND SECTIONS 3 AND 8 OF CHAPTER XLV. OF THE SESSION LAWS OF 1888, RELATING TO THE FIRE DEPARTMENT OF HONOLULU, AND TO ADD A NEW SECTION TO SAID ACT TO BE CALLED SECTION 8A.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. That Section 3 of Chapter XLV. of the Session Laws of 1888, be and the same is hereby amended so as to read as follows :

“The Minister of the Interior by and with the approval of the Cabinet shall appoint the Fire Marshal.

“The Fire Marshal shall be a competent civil and mechanical Engineer and shall be removed only for just cause or by action of the Cabinet.”

SECTION 2. That Section 8 of Chapter XLV. of the Session Laws of 1888, be and the same is hereby amended to read as follows :

“It shall be the duty of the Fire Marshal :

“(a). To examine and inspect once every three months and as much oftener as he may deem proper all dwelling houses, stores structures, buildings, places of business or occupation and all buildings in process of erection repair or construction and all other buildings and premises within the City of Honolulu, and also all

fire-places, hearths, chimneys, smoke pipes or stacks, stoves and stove-pipes, steam-boilers, and engines and machines for generating heat, gas or electricity or any thing likely or which may tend to endanger the property, or the adjacent or neighboring property or premises, to fire or destruction, for the purposes of ascertaining their security and stability and their security from danger to fire or destruction or to loss or damage from fire, or destruction or danger to life, and also that they are erected, constructed or maintained or used in accordance with the laws providing for fire, and explosion, destruction and protection of life and property and also fire-proof buildings. And if the Fire Marshal shall find any of the same to be defective or dangerous or in contravention of law, he shall direct the owner or occupant by written or printed notice to alter, remove or amend the same, and in case of neglecting so to do, the party offending shall be guilty of a misdemeanor.

“(b). To carefully examine and inspect the plans, specifications and location of all buildings or structures or parts of the same intended to be erected, placed, removed, or constructed within the City of Honolulu together with the intended location of all fire places, cooking stoves, chimneys, flues, steam boilers and engines and machines for generating heat, gas or electricity or any thing likely to endanger the property or premises to fire or destruction and if the same be approved by him in accordance with law and not dangerous to life and property, he shall give a certificate to that effect for which a fee of five dollars shall be paid to the Fire Marshal as a Government realization to be turned into the Treasury through the Department of the Interior.

“(c). To ascertain that the laws regulating the keeping and storing of kerosene oil, petroleum, naphtha, benzole, spirits of turpentine or gasoline and gun-powder and all explosive substances has been complied with in accordance to the provisions of said laws, and in cases of violation of such laws to see that the laws are enforced.

“(d). To keep a record of all examinations and inspections he may make a minute of all plans and specifications submitted to him and names of parties, location and whether approved or disapproved. To keep a record of the names of the occupants of the houses, buildings and premises where he may have observed any violations of the Law. To report in writing to the Minister of the Interior all violations of the laws which it is his duty to see enforced. To perform such other duties as are or may be imposed on him by law.

“(e). To make in triplicate at the end of every six months a true and correct report of all fires that may have occurred within the City of Honolulu, and the name of the party or parties suffering loss or damage, the location and the nature of the property destroyed or damaged, the approximate amount of loss sustained, and insurance upon same if known, one copy to be filed with the Minister of the Interior, one copy with the Chief Engineer and one copy to be retained by the Fire Marshal as a record. At the end of the biennial period such reports shall be embodied in the report of the Chief Engineer of the Honolulu Fire Department.”

SECTION 3. That a new Section be added to Chapter XLV. of the Session Laws of 1888 to be called Section 8A, which shall read as follows :

“Section 8A. For the purposes of this Act and to perform the duties imposed upon him by law, the Fire Marshal shall have the right and power to enter (after making known his intention if required to the owner or occupier) and fully examine and inspect all buildings and premises and property which he is required by law to inspect and examine. Any person who shall wilfully or without justification obstruct or impede the Fire Marshal in the inspection and examination of him required by law of the buildings, property and premises and other structures and in the performance of the duties imposed on him by law shall be guilty of a misdemeanor.”

SECTION 4. All laws in conflict with the provisions thereof are hereby repealed.

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 14th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING:

C. N. SPENCER,

Minister of the Interior.

CHAPTER LXXXV.

AN ACT

TO AMEND SECTION 2 AND SECTION 3 OF CHAPTER XLV. OF THE LAWS OF 1884, BEING AN ACT ENTITLED "AN ACT TO FACILITATE THE ACQUIRING AND SETTLEMENT OF HOMESTEADS," APPROVED THE 29TH DAY OF AUGUST, 1884.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom :

SECTION 1. That Section 2 of Chapter XLV. of the Laws of 1884, be and the same is hereby amended so as to read as follows :

"Section 2. Upon the completion of any such survey the Minister of Interior shall appoint three appraisers, one of whom shall be the Surveyor who has laid out the land, and the other two residents of the district in which such land is situated, who shall examine the lots so laid out and appraise the same in their discretion at reasonable market rate, and shall report their appraisements to the Minister of the Interior by a written statement signed by at least two of the said appraisers. The Minister of the Interior shall thereupon publish a notice in the Hawaiian language and if he deem advisable in any other language in which newspapers in the Kingdom are published, which notice shall be in substance as follows :

HOMESTEAD NOTICE.

“.....lots have been set apart at.....
 in the District of.....Island of.....
 for the purpose of conveying to such persons as may
 wish to acquire homesteads upon to live. The surveys
 can be examined at the office of the Interior Depart-
 ment by intending purchasers, who may also examine
 the lots as laid out on the ground, upon application to
 or of said district
 appraisers, who will point them out, and who shall be
 entitled to a fee of one dollar for such service from the
 party or parties applying. Any person of full age who
 may desire to acquire any of the said lots shall apply in
 writing to the Minister of Interior, stating the number
 of the lot chosen and shall thereupon attend at the
 office of the Minister of the Interior, if such application
 is accepted and the proper papers signed and delivered.
 No one will be allowed to acquire more than one lot,
 provided, however, that persons will be allowed to
 acquire two lots where one of them is kula land only
 and one is wet or kalo land only.

.....
 Minister of Interior.”

SECTION 2. That Section 3 of Chapter XLV. of the
 Laws of 1884 be, and the same is hereby amended so as
 to read as follows :

“Section 3. Upon receiving written application for
 any of said lots, the same shall be filed with the date of
 their receipt. In case two or more persons apply for
 the same lot, the one whose application is first received
 shall have the precedent ; provided, however, that if he
 should not attend in person or by attorney at the office

of the Minister of the Interior, within one week from the time of the receipt of his application, the second one applying shall have the precedence of all others in the same manner, and so on as to other applicants. Upon considering the respective applications the Minister of the Interior shall grant the same upon the payment by the applicant the quarter-yearly rent or interest in advance, as provided by the written agreement between the Minister of the Interior and the applicant, as hereinafter set forth, and the execution by the applicant together with the Minister of the Interior of such written agreement in duplicate, and shall deliver to such applicant one of such duplicates, duly stamped, which shall entitle him to the immediate possession of the lot or lots of land therein described, according to the covenants and stipulations thereof, and which shall be admitted as evidence without further proof in all Courts of the Kingdom, such agreements shall be in substance as follows :

“ Minister of the Interior on behalf of the Hawaiian Government, the party of the first part, and of of the Island of the party of the second part, agree as follows :

“ The party of the first part agrees to sell, and the party of the second part agrees to purchase the lot numbered upon the survey of land under the Homestead Act number in the District of Island of including an area of acres, in ten years from this date, at the price of dollars.

“ It is further agreed that the party of the second

part may take immediate possession of the said premises and hold the same, as hereinafter provided, for the term of ten years, without being subject to the payment of taxes therefor, and shall within one year from this date build a dwelling house upon the said lot (in case two lots are taken, describe the lot of Kula land by number) and begin to occupy the same, and shall continue to use the same as his residence for the remainder of the said term of ten years, and shall within three years from this date enclose the said lot (in case two lots are taken, describe the lot of Kula land by number) with a substantial fence, and shall pay quarterly in advance.....
 dollars (a sum representing the quarterly interest of the said purchase price at the rate of five per cent per annum) to the party of the first part, and at the end of the said term shall pay in full the said dollars (the purchase price) or any part of the same that shall at that time remain unpaid or shall deliver a mortgage of the premises to secure the said sum or such unpaid balance own expense, for a term not less than one year or more than ten years, as the party of the first part shall decide, with interest at the rate of five per cent per annum, payable semi-annually in advance.

“Upon the receipt of such sum of money, or unpaid balance thereof, or such mortgage, the party of the first part shall deliver to the party of the second part, or his heirs a Royal Patent for said premises.

“Provided, however, if the party of the second party shall not place a dwelling house upon the said premises, and begin to use the same as a dwelling house one year from this date, or shall not continue to live upon the said

premises for the rest of the said term of ten years, or shall not fence the said lot (in case two lots are taken, describe the lot of Kula land by number) within three years from the date with a substantial fence, or shall fail to pay the said interest as the same shall become due, or shall not pay the said sum of dollars (purchase price) or the unpaid balance thereof at the end of said ten years, or in lieu thereof deliver a mortgage as aforesaid, to the party of the first part, these presents shall become void, and the party of the first part may thereupon without notice, demand or legal process take possession of the said premises, with all improvements that may be thereon, and remove the party of the second part, and all persons claiming under him, and their effects.

“It is hereby further agreed that the party of the second part, or his heirs, shall not assign this agreement, and any such assignment shall cause this agreement to become void as hereinbefore set forth. The party of the second part may under this agreement pay the whole or any part of the said purchase price at any time at his option before the termination of the said ten years, and upon any such payment shall be allowed a corresponding reduction of the amount of the interest money hereinbefore stipulated. But a Royal Patent may be granted for such land between five and ten years if he has duly complied with the requirements of this agreement. In case of the death of the party of the second part before the expiration of the said ten years, all the rights and benefits of this agreement shall vest in his heirs according to law, subject to their completion of the performance of the stipulations thereof to be performed by the party of the second part.”

SECTION 3. This Act shall become a law from and after the date of its approval, and all laws and parts of laws in conflict with the provisions thereof are hereby repealed.

Approved this 14th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING :

C. N. SPENCER,

Minister of the Interior.

CHAPTER LXXXVI.

AN ACT

TO AMEND AND CONSOLIDATE THE ELECTION LAWS OF
THE KINGDOM.

*Be it Enacted by the King and the Legislature of the
Hawaiian Kingdom :*

SECTION 1. In this Act wherever the following words or phrases occur they shall be held to refer to and have the meaning herein set forth, provided the context shall not prohibit such meanings: "Minister" shall refer to and mean the Minister of the Department of Interior for the time being of the Hawaiian Government. "Constitution" shall refer to and mean the Constitution of the Hawaiian Kingdom, promulgated July 7th, 1887, together with any amendments thereto. "Inspector" or "Inspectors" shall refer to and mean the Inspector or Inspectors of Election, as provided for in this Act, or any

deputy for such Inspector or Inspectors. "Candidate" or "Candidates" shall mean any person or persons who has or who have declared his or their intention of offering himself or themselves for election to a seat in the Legislature. "Court" shall mean any court or tribunal authorized by this Act to try any disputed elections. "Election" shall refer to and mean any election for Nobles or Representatives prescribed in this Act. "Register" shall refer to and mean the register of voters herein prescribed. "District" shall mean an election district as prescribed in this Act, unless the context prohibits such sense. "Corrupt Practices" or "Illegal Practices" shall refer to and mean the offenses described in this Act under such titles or heads.

OF ELECTION.

SECTION 2. The general election under this Act shall be held on the first Wednesday of February, in the year 1892, and on the said day of February in every second year thereafter.

SECTION 3. The general election is for the purpose of choosing by ballot the elective members of the Legislature. The methods of election shall be such as are hereinbelow set forth.

SECTION 4. Special elections are such as are held to supply vacancies in the elective membership of the Legislature, and shall be held at such times as the Minister shall proclaim.

ELECTION PROCLAMATIONS.

SECTION 5. At least thirty days before a general election, and whenever he receives proper notice, at least twenty days before a special election, the Minister of

Interior must issue an election proclamation and transmit copies of the same to the various Boards of Inspectors of Elections throughout the Kingdom, or where such election is to be held ; such proclamation shall also be published in Honolulu.

SECTION 6. Such proclamation must contain a statement of the time and places where the election will be held, and the purpose for which the election is to be held. It may also contain any other relevant matter deemed necessary by the Minister, including offer of rewards for the detection and conviction of offenders against the election laws.

SECTION 7. Copies of such election proclamations shall be posted in not less than three conspicuous public places in the district or districts where such election is to be held. Election proclamations shall also be published in one or more Hawaiian and English newspaper in the language of the paper publishing the same.

OF THE NOBLES.

SECTION 8. There shall be twenty-four Nobles for the Kingdom, of whom nine shall be elected from the island of Oahu, six from the islands of Maui, Molokai and Lanai, six from the island of Hawaii, and three from the islands of Kauai and Niihau. They shall be elected at the general election every other year, as hereinafter provided. They shall serve for six years. The term of service shall begin from the general election, except that in case of a vacancy after election a Noble elected to fill such vacancy shall serve only for the unexpired term. They shall serve without pay, but may receive mileage at the rate hereinafter provided for the Representatives.

SECTION 9. At each general election to be held hereafter, three Nobles shall be elected from the island of Oahu; two from the islands of Maui, Molokai and Lanai; two from the island of Hawaii and one from the islands of Kauai and Niihau. In voting for Nobles in each of said divisions, the names of the candidates for each of said divisions shall be placed upon a common ballot and voted for at each polling place in the division, irrespective of election districts for Representatives.

QUALIFICATIONS OF NOBLES.

SECTION 10. Any male subject of the Kingdom who shall have attained the age of twenty-five years; who shall have resided in the Kingdom for not less than three years; who shall be the owner of taxable property in the Kingdom of not less than three thousand dollars in value over and above all incumbrances, or who shall be in receipt of an income derived from some lawful employment or property of not less than six hundred dollars per annum, shall be eligible for election as a Noble.

OF THE REPRESENTATIVES.

SECTION 11. There shall be twenty-four Representatives for the Kingdom, who shall be elected from the following districts, one member being returned from each. The Kingdom shall be and is hereby divided into twenty-four election districts, which shall be as set forth in the following sections:

ELECTION DISTRICTS.

SECTION 12. In the island of Oahu there shall be eight districts, as follows:

First District: All that portion of the judicial and

taxation district of Honolulu, or Kona, lying southeast of a line drawn from the summit or peak of the Kōnāhuanui range of mountains along the crest of the ridge separating Manoa and Makiki valleys from Nuuanu and Pauoa valleys and across the crater or bowl of the hill called Puuowaina to the flag-pole at the old battery, thence direct to the junction of Kinan and Alapai streets, along the middle of Alapai to King street, middle of King street to South street, middle of South street to the sea.

Second District: All that portion of said Honolulu or Kona north of the first district and inside of a line drawn from the flag-pole at the old battery on Puuowaina to the junction of School and Emma streets, along the middle of School street to Fort street, along the middle of Fort street to Beretania street, middle of Beretania street to Nuuanu stream at Smith's bridge, thence up the middle of said stream to School street, middle of School street to Liliha street, middle of Liliha street to Judd street, along the middle of Judd street to the crest of the ridge on the northwesterly side of Nuuanu valley and thence along the crest of said ridge to the peak called Lanihuli, in the Kōnāhuanui range of mountains.

Third District: All that portion of said Honolulu, or Kona, lying adjacent to the first and second districts and inside of a line drawn from the corner of Fort and Beretania streets, along the middle of Beretania street to Richard street, along the middle of Richard street to the sea, and bounded makai by the sea.

Fourth District: All that portion of said Honolulu or Kona lying west of districts two and three and inside

of a line drawn from the corner of School and Liliha streets, through the middle of Liliha street to King street, along the middle of King street to the bridge crossing the Nuuanu stream, and bounded makai by the sea.

Fifth District: All the remaining portion of Honolulu, or Kona, lying north and west of districts two and four.

Sixth District: The judicial and taxation district of Koolaupoko, to be called the Koolau District.

Seventh District: The judicial and taxation districts of Koolauloa and Waialua, to be called the Waialua District.

Eighth District: The judicial and taxation districts of Ewa and Waianae, to be called the Ewa District.

SECTION 13. In the islands of Maui, Molokai and Lanai there shall be six districts, as follows :

First: The island of Molokai, to be called the Molokai District.

Second: The districts of Kaanapali and Lahaina, on Maui, and the island of Lanai, to be called the Lahaina District.

Third: That portion of the district of Wailuku lying north of the road running from the Iao valley (on the south side of the river) to the sand hills; thence along the crest of the sand hills to the mouth of the Wailuku river, to be called the North Wailuku District.

Fourth: That portion of the district of Wailuku lying south of the North Wailuku District, and including the

island of Kahoolawe (but excluding Honuaula), to be called the South Wailuku District.

Fifth: That portion of the Makawao district lying south and west of Halehaku gulch with Kula, to be called the Makawao District.

Sixth: All the rest of the island of Maui, to be called the Hana District.

SECTION 14. In the island of Hawaii there shall be seven districts, as follows:

First: Puna and all Hilo south of the bed of the Pukihæ gulch, to be called the South Hilo District.

Second: From the Pukihæ gulch to the bed of the Hakalau gulch, to be called the Central Hilo District.

Third: From the Hakalau gulch to the bed of the Kalapahapuu gulch in Hamakua (between Kukaiaua and Kainehe), to include all of Kukaiaua, to be called the North Hilo District.

Fourth: The remaining portion of Hamakua and South Kohala, to be called the Hamakua District.

Fifth: North Kohala, to be called the Kohala District.

Sixth: North and South Kona, to be called the Kona District.

Seventh: Kau, to be called the Kau District.

SECTION 15. In the islands of Kauai and Niihau there shall be three districts, as follows:

First: From Puana'iea Point to and including Kalahæo and the island of Niihau, to be called the Waimea District.

Second : From and excluding Kalaheo, to and including Hanamaulu, to be called the Lihue District.

Third : From and including Wailua to Puanaiea Point, to be called the Hanalei District.

SECTION 16. Whenever the convenience of electors may so require, the Minister of Interior shall set apart two or more precincts in each district ; and each precinct so established shall have its separate polling place. Provided, that no change shall be made as to the boundaries of any precinct within sixty days of an election.

TERM OF SERVICE.

SECTION 17. The Representatives shall serve for two years, and shall be elected at every general election, to be held, as hereinafter set forth, in every other year. The term of service shall date from the general election.

SECTION 18. Any person elected to fill an unexpired term shall hold office only for the remainder of the unexpired term.

SECTION 19. They shall each receive as compensation for their services the sum of two hundred and fifty dollars for each biennial period for attendance on the sessions of the Legislature, besides mileage to be computed one way only, at the rate of ten cents each mile from their residence to the place of assembly.

QUALIFICATIONS OF REPRESENTATIVES.

SECTION 20. Any male subject of the Kingdom, who shall have arrived at the age of twenty-one years ; who shall know how to read and write the Hawaiian, Eng-

lish or some European language ; who shall understand accounts ; who shall have been domiciled in the Kingdom for at least three years, the last of which shall be the year immediately preceding the day of election ; who shall own real estate within the Kingdom of a value over and above all incumbrances of at least five hundred dollars ; or who shall derive an income of not less than two hundred and fifty dollars per annum from some lawful employment or property, shall be eligible as a representative of the people.

SECTION 21. Before taking his seat in the Legislature, each Noble and Representative shall be sworn to faithfully support the Constitution and Laws of the Kingdom, and to perform the duties of legislator faithfully. Such oath may be administered by any Justice of the Supreme Court.

SECTION 22. No person shall be eligible for election either as a Noble or Representative who shall be under any of the disqualifications mentioned in Section 25 or elsewhere in this Act ; or who shall hold any office of trust or profit under the Government or under any department thereof, or under the Judiciary department ; or who shall have any pecuniary interest, direct or indirect, in any contract with the Government. Nor shall any such person occupy a seat as an elective member of the Legislature. No member of the Legislature shall, during the term for which he was elected, be appointed to any civil office under the Government, except to be a member of the Cabinet.

OF THE QUALIFICATIONS OF ELECTORS OF NOBLES.

SECTION 23. Every male resident of the Hawaiian Islands, of Hawaiian, American or European birth or

descent who shall have attained the age of twenty years, and shall have paid his taxes, and shall have caused his name to be entered on the list of voters for Nobles in his district, shall be an elector of Nobles, and shall be entitled to vote at any election of Nobles, provided :

First : That he shall have resided in the country not less than three years ; and in the district in which he offers to vote not less than three months immediately preceding the election at which he offers to vote.

Second : That he shall own and be possessed, in his own right, of taxable property in this country of the value not less than three thousand dollars over and above all incumbrances, or shall have actually received an income of not less than six hundred dollars during the year next preceding his registration for such election.

Third : That he shall be able to read and comprehend an ordinary newspaper printed in either the Hawaiian, English or some European language ; Provided, however, that the requirement of a three years' residence, and of ability to read and comprehend an ordinary newspaper printed either in the Hawaiian, English or some European language shall not apply to persons residing in the Kingdom at the time of the promulgation of the Constitution, if they registered and voted at the first election which was held under the same.

Fourth : That he shall have taken an oath to support the Constitution and laws, such oath to be administered by any person authorized to administer oaths, or by any Inspector of Elections.

OF THE QUALIFICATIONS OF ELECTORS OF REPRESENTATIVES.

SECTION 24. Every male resident of the Kingdom of Hawaiian, American or European birth or descent who shall have taken an oath to support the Constitution and laws in the manner provided for electors of Nobles; who shall have paid his taxes; who shall have attained the age of twenty years, and shall have been domiciled in the Kingdom for one year immediately preceding the election; and shall know how to read and write either the Hawaiian, English or some European language (if born since the year 1840); and shall have caused his name to be entered on the list of voters of his district as may be provided by law, shall be entitled to one vote for the Representative or Representatives of that district: Provided, however, that the requirement of being domiciled in the Kingdom for one year immediately preceding the election, and of knowing how to read and write either in Hawaiian, English or some European language shall not apply to persons residing in the Kingdom at the time of the promulgation of the Constitution, if they registered and voted under the first election which was held under the same.

OF DISQUALIFICATIONS.

SECTION 25. The following persons shall not be permitted to register for voting, to vote, or to sit in the Legislature, namely: Any person who is insane or an idiot, or any person who shall have been convicted of any of the following named offenses, viz.: Arson, barratry, bribery, burglary, counterfeiting, embezzlement, felonious branding of cattle, forgery, gross cheat, incest, kidnapping, larceny, malicious burning, manslaughter

in the first degree, murder, perjury, rape, robbery, sodomy, treason, subornation of perjury and malfeasance in office, unless he shall have been pardoned by the King and restored to his civil rights, and by the express terms of his pardon declared to be eligible to offices of trust, honor and profit.

SECTION 26. No elector on the day of election shall be arrested during his attendance at the polling place, or in going to or from the polls, except in case of treason, felony or breach of the peace; nor shall any elector on such election day be obliged to perform any military duty whereby he might be prevented from voting, except in time of war or public danger.

SECTION 27. No soldier shall go to the polling place for any purpose in uniform; nor shall any military or political organizations be marched or allowed to go to the polling place in a body.

OF REGISTRATION.

SECTION 28. There shall be appointed by the Minister of the Interior, by and with the consent of the Cabinet, an Electoral Registrar, who shall be and act as a general registrar for all the electoral districts of the Kingdom, and who shall make and keep records of all persons entitled to vote at any election, which shall be known as the "Register of Voters," and the office shall be in Honolulu under the direction of the Minister of the Interior. The "Register" prepared and used under the Election Law of 1888, Chapter LXXVI., may be used as the Register of Voters herein named as far as practicable.

SECTION 29. Said Register of Voters shall contain a

list of all persons entitled to vote at any election arranged alphabetically in their respective precincts and districts (if no precincts) together with the name of each voter, his age, local residence, nativity, occupation and such other particulars as may be necessary to identify him, and the date of registration, and shall be arranged so as to reserve space for changes under each letter. The list of voters for Nobles and Representatives shall be kept wholly separate and distinct.

SECTION 30. Every registrar of births, deaths and marriages in the Kingdom shall during the month of September each and every year furnish to the Electoral Registrar a correct list of the deaths of all adult males of twenty years and upwards which have been registered by him during the twelve months last past.

SECTION 31. Each Tax Assessor shall during the month of September each and every year furnish to the Electoral Registrar a correct list of all adult males of twenty years and upwards who have been assessed for taxation purposes within the respective taxations divisions, district, or precinct as the case may be.

SECTION 32. Between the 1st day of October and the 30th day of November in each year immediately preceding a general election, the Electoral Registrar shall examine the Register of Voters, and especially the electoral voters or voting lists of each precinct and district, and shall correct, amend and alter such register by striking off and erasing such names of persons as he may have reason to believe are dead, have left any precinct or district or have become disqualified, and adding the names of such persons who have become qualified voters or have changed from one district or precinct to

another. All erasures, changes, alterations and additions made shall specify the reason or grounds of change.

SECTION 33. On the issue of the proclamation for any election the Electoral Registrar shall forthwith and without any delay send to the several Boards of Inspectors of the various precincts, or districts, as the case may be, certified lists of the electors or voters (both for Nobles and Representatives) in their respective precincts, or districts, taken from the last made up Register, such lists to be known as Electoral Rolls or voting lists, to be used after correction by the Inspectors of Election as hereinafter provided, as the voting roll or list at the polls.

SECTION 34. The Electoral Registrar may cause to be printed the list of names of voters mentioned in Section 41 of this Act required to be posted by the Inspectors of Election, and send them to the several Boards of Inspectors in their precincts or districts at the same time as the electoral roll or voting list is sent, and such list for posting need only contain the names of qualified voters for that precinct or district as made from the Register, alphabetically arranged.

SECTION 35. The Electoral Registrar shall perform such other duties under this act as may be necessary to carry out the same which may be of him required by the Minister of the Interior.

SECTION 36. Upon the return of the certified copy of corrected electoral roll or voting list by the Board of Inspectors, as required by Section 40 of this Act, to him, the Electoral Registrar shall correct and amend the Register of Voters in accordance with such roll or list.

SECTION 37. The Register of Voters shall be open to the inspection of all persons at all reasonable times without compensation, copies thereof may be furnished to responsible persons for a reasonable compensation.

SECTION 38. The Minister of Interior shall furnish suitable blanks and books for said registration, which shall be of uniform character.

OF INSPECTORS OF ELECTION.

SECTION 39. There shall be a Board of Inspectors of Election for each polling place or precinct in the Kingdom, to consist of three members. They shall be appointed by the Minister of Interior as far as possible from the opposing parties at each general election. In case of inability, failure or refusal of any person so appointed to act as such Inspector, the Minister of the Interior shall appoint a person from the same party as such appointee was named to fill such vacancy: Provided, however, that if it is impossible to communicate with the Minister of the Interior in time for him to make such appointment before the election is held, the remaining member or members of such Board shall appoint a person from the same party as appointee was named to fill such vacancy. Unless otherwise designated, the first person named shall be chairman of the Board. Two Inspectors over and above those provided for above shall in the same manner be appointed for each polling place or precinct to serve on the election day only.

OF THE DUTIES OF INSPECTORS OF ELECTION.

SECTION 40. It shall be the duty of the several Boards of Inspectors to attend to the registration of

voters on the electoral roll or voting list, to make, revise from time to time and have charge of the electoral roll or voting list of voters in their respective districts or precincts, and to transmit certified copies of the same used at the poll at each election to the Electoral Registrar immediately after the day of each election and to post the election proclamations at least five days before any election.

To preside at each election ; to have full charge of the same, and to preserve order ;

To record the name of each voter polling or offering to poll a vote ; to duly swear any man whose vote is challenged, and to see that such person is properly questioned as to his right to vote ;

To appoint and superintend one or two clerks of election, as may be required, and such special police, not to exceed three in number, to preserve the peace ;

To ascertain and publicly announce the result of each election ;

To furnish proper certificates of election to such persons as may be elected Representatives, and to transmit the result of the election for Nobles to the Sheriff of their respective Islands, and in the island of Oahu to the Marshal ;

To preserve and transmit to the Minister of the Interior all of the ballots polled at each election, all ballots unused and all cancelled ballots, together with copies of the certificates of election and a statement of the result of the election, with all particulars and with all records ;

To care for the ballot-boxes and other property per-

taining to elections, and generally to do and perform all such acts and things as are herein required relative to the registration of voters, the list of voters, elections and other matter and things pertaining thereto ; and in case of the withdrawal or death of any candidate whose name has been printed on the ballots, to strike from the ballots such name or names and to write in the place thereof the names of such party or parties, who shall in consequence of a new nomination become candidate for election ;

The several Inspectors shall have power, and are hereby authorized to administer the oath to the Constitution to such persons as desire to register as voters, and all other oaths in performance of their duties ;

To post certified lists of registered voters conspicuously in at least three public and prominent places in their precinct or district (if no precincts) at least fifteen days prior to an election, as provided in Section 41 ;

To keep a complete record of all transactions and proceedings of the Board, and all such records at reasonable times shall be open to the inspection of electors or voters.

SECTION 41. The several Boards of Inspectors shall post certified printed or written copies of the list of voters taken from the electoral roll or voting list furnished by the Electoral Registrar in at least three public and prominent places in their precinct or district (if no precincts) at least fifteen days prior to an election, provided that such posted lists need only contain the names of the qualified voters arranged alphabetically, and provided that if no electoral roll or voting list shall be received in time, then the electoral roll or voting

list of the last immediate preceding election shall be used by the Inspectors of Election. After posting of said list no names on such list shall be taken off except as provided in Section 42 and 43.

SECTION 42. No change in any manner shall be made in said electoral roll or voting list except during the time and at the place duly advertised for a public meeting of the Inspectors, and no name shall be erased from said roll or list except upon due notice first given to the voter to appear. Provided that in case of death the name of deceased voter may on proof thereof be erased from such list.

All erasures shall be made in red ink noting the date and cause thereof.

It shall be deemed good and sufficient notice to a voter if the same be deposited in the Post Office duly stamped and addressed to the voter at his last known place of residence in precinct or district in reasonable time.

CORRECTIONS OF THE REGISTER OF VOTERS.

SECTION 43. After the posting of the certified lists of voters as provided in Section 41, the Board of Inspectors for the purpose of correcting the said electoral roll or voting list by adding new names thereto or striking off the names of such voters as have died, removed, or otherwise become disqualified, shall not less than five nor more than thirty days prior to the date of election, hold not less than two public meetings in the precinct or district, (if no precinct), of which not less than five days general notice shall be given by posting notices in not less than three conspicuous places in the district, or precinct, if the district be divided, and such

other notice as said Inspectors shall deem necessary. The Inspectors may continue and hold adjourned meetings from day to day, if the same shall be necessary.

SECTION 44. No person shall be prevented from attending the meetings of the Inspectors, unless to preserve the peace. The said Inspectors shall then and there receive the application of any person desiring to have his name entered on the electoral roll or voting list, and if it appear that such person possess the necessary qualifications, his name shall be then and there duly entered on said roll or list, on either or both of the lists of electors for Nobles and Representatives as the case may be. They shall also receive all objections offered against the registration of any person, or against any name already on the list, and if after due notice to such person to appear has been given, on due examination it appear that such name ought not to be on the list, or should not be entered, the name shall be stricken off, or refused as the case may be. For the purpose of ascertaining the truth of any allegation, any of the Inspectors may administer an oath to any person. The Inspector shall exhibit at the meetings the electoral roll or voting list for their precinct or district. At the close of the final meeting for registration previous to an election, the Board of Inspectors shall sign and date a corrected electoral roll or voting list for use at the polls on election day; which corrected roll or list shall be the official electoral roll or voting list for such election and the only authority for permitting any one to vote at such election.

SECTION 45. Every person qualified to vote shall register in the precinct, or district, (if no precinct) in

which he resides, and no elector shall vote in any other precinct, or district, (if no precinct) than that in which he resides. Provided that at any election other than the general election a voter who has removed from one precinct to another precinct in the same district (or division in case of Nobles) may vote in the precinct in which he was entitled to vote at the last preceding general election if he has not registered anew.

SECTION 46. In all cases, under the provisions of this Act where duties are to be performed by the chairman of the Inspectors, such duties may be performed by some other one of the Inspectors whenever the chairman is temporarily absent, or is otherwise for the time being unable to perform such duties, and a decision of the majority of the Inspectors shall be the decision of the Board.

OF CANDIDATES.

SECTION 47. No person shall be permitted to stand as a candidate for election unless he shall be so requested in writing, signed by not less than twenty-five duly qualified electors of the district; which request shall be deposited with the Minister of the Interior not less than fourteen days before the day of election, except on the island of Oahu, where such request shall be deposited not less than seven days before the election, together with a fee of twenty-five dollars for a candidate for Representative, and fifty dollars for a candidate for Noble, on account of the expenses attending the election, which shall be paid into the Treasury as a Government realization. Any candidate may withdraw before an election by giving notice to the Minister of the Interior and to the Inspectors of election. If such notice shall

not be given before the printing of the ballots, as prescribed in Section 58, the Inspectors of election may, upon receiving such notice of withdrawal from the candidate, efface such name from the ballot before the election. Provided, however, that in case of withdrawals or death of a candidate then a new nomination to fill such withdrawal may be made irrespective of said limit of time, with the Inspectors of Election of the district in which such candidate is to be elected, and in such case the nomination paper shall be signed and the fee deposited.

SECTION 48. Every candidate shall, on the day preceding an election, furnish the Inspectors a complete list of the names of all persons employed by him to assist in the election and no person whose name is not on such list shall be permitted to attend at the polling place on behalf of such candidate.

SECTION 49. Within ten days following an election each candidate shall furnish to the Minister of Interior a sworn itemized statement of his expenses as a candidate for election which list shall be open to inspection of any one without fee or reward.

The expenses to be legally incurred by or for a candidate shall be :

1. His personal expenses as a candidate.
2. Expenses of printing and advertising.
3. Cost of stationery and postage.
4. Expenses of public meetings.
5. Rent and supplies of Committee rooms not to exceed one for each polling place.

OF BALLOT BOXES.

SECTION 50. The Inspectors shall provide two suitable boxes for the reception of ballots for each polling place in the Kingdom, which boxes shall bear no device or mark, excepting that they may bear the name of the district and precinct and the one shall bear the words "For Nobles," and the other the words "For Representatives." Such boxes shall be made of wood of a single thickness of boards, not over one inch nor less than three-quarters of an inch in thickness. They shall be perfectly smooth inside and out, and shall have a hinged lip fastened securely by a good lock or locks. In the center of said lip there shall be an aperture or slip of not more than three inches in length, and not over one-quarter of an inch in width, which may be protected by a lip or raised edge.

OF THE METHOD OF ELECTION.

SECTION 51. The Inspectors shall prepare for holding the election, at each polling place, a suitable compartment or space in which shall be placed at a point convenient for voters, the two ballot boxes prescribed by Section 50 hereof. No polling place shall on any account be in any premises where the sale of intoxicating liquors, beer or wine is licensed. The Board of Inspectors of each polling place shall cause the same to be suitably, provided with a sufficient number of voting shelves or compartments at or in which voters may conveniently mark their ballots, so that in the marking thereof they may be screened from the observation of others, and a guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot boxes and of such

voting shelves or compartments. The arrangement shall be such that neither the ballot boxes nor the voting shelves or compartments shall be hidden from view of those just outside the said guard rail. The number of such voting shelves or compartments shall not be less than three or more than six in each polling place, and no persons other than the election officers and voters admitted within said rail, except by authority of the election officers for the purpose of keeping order and enforcing the law. Each voting shelf or compartment shall be kept provided with conveniences for marking the ballots.

SECTION 52. The Inspectors shall previously to opening the poll, set apart a sufficient space around the polling place to prevent interference with the conduct of the election, and no person other than the Inspectors, their clerks, the candidates or their respective agents, not more than two each, and such voters not exceeding six at a time as are for the time being actually engaged in voting, shall be permitted within the space so set apart during the time appointed for voting.

OPENING AND CLOSING THE POLLS.

SECTION 53. The polls shall be opened by the Inspectors at eight of the clock upon the morning of the election day, and shall be kept open, continuously, until five of the clock in the afternoon of said day, unless all of the registered voters of the district or precinct shall have polled their votes previous to that time, after which the polls may be closed and the votes counted as hereinafter provided.

SECTION 54. At the opening of the polls for election, the Chairman of the Inspectors shall, in presence of any

bystanders, publicly open the ballot boxes and expose them to all persons, that it may be seen that they are absolutely empty. They shall then be closed and locked, and on no account again be opened till the poll is closed. At the opening of the polls in each polling place the seals of the packages shall be publicly broken, and the packages shall be opened by the Chairman and the blocks of ballots shall be delivered to the ballot officer hereinafter provided for. The cards of instruction shall be immediately posted at or in each voting shelf or compartment provided in accordance with this Act, for the marking of the ballots, and not less than three such cards and not less than five specimen ballots shall be immediately posted in conspicuous places outside the polling room.

SECTION 55. The election shall be by ballot only. A ballot is written or printed, or partly written and partly printed paper, containing the names of all persons to be voted for. Every ballot printed in accordance with the provisions of this Act shall contain the names of all candidates whose nominations for any office specified in the ballot have been duly made, and shall contain no other names.

SECTION 56. The ballot for Representatives shall be of white paper and the ballot for Nobles of blue paper. Specimen ballots shall be of red or green paper. The paper shall be of uniform weight, thickness and of the same sizing color. It shall bear no word, motto, device, sign or symbol other than allowed by this Section, and shall be so printed that the type shall not show a trace on the back. Besides the name or names to be voted for, it shall contain nothing excepting the words, "Election

for the year —,” the name of the office and the name of the Division for Nobles or District for Representatives. And in the case of a special election it may also contain the words specifying the term of the office and also the words “Special Election.”

SECTION 57. The ballots shall be rectangular and shall be each three and one-half inches square, unless there are more than three names on the ballot to be voted for, in which case one-half of an inch shall be added to the length in addition to three. Provided, however, that all ballots in the same Division shall be of the same size.

Sufficient space shall be reserved upon each ballot to permit the erasure of all of the names thereon, and the substitution of an equal number therefor. Such reserved space shall be so divided as to permit one name to be inserted immediately under each printed name. No ballot enclosed in an envelope shall be received or counted.

SECTION 58. The ballots shall be printed by the Minister of Interior at Government expense not less than three ballots for every name on the electoral roll or voting list, as prepared by the Electoral Registrar. They shall be printed so as to give each voter a clear opportunity to designate by a cross mark (X) in a sufficient margin at the right of the name of each candidate his choice of candidates. When printed, the ballots shall be fastened together in blocks of one hundred each, in such manner that each ballot may be detached and removed separately. A record of the number of ballots shall be kept by the Minister of Interior, and

they shall be forwarded by him to the Inspectors of Election in packages properly sealed and fastened.

SECTION 59. The specimen ballots and cards of instruction for each precinct for both Nobles and Representatives shall be sent by the Minister to the Chairman of each Board of Inspectors, so that they shall be received at least two days prior to the election.

SECTION 60. The Minister shall as soon as practicable after the appointment of the several Inspectors of Election supply the several Boards of Inspectors with blanks of the same size and paper required by this Act. The number of such blanks shall exceed by at least one-half the number of voters in the district or precinct of each Board of Inspectors. In case of any miscarriage or default whereby the printed ballots hereinbefore provided shall not be available for the election (either by reason of their not being received by the Inspectors, or of their destruction or loss) the Inspectors shall cause to be prepared sufficient ballots for the purposes of the election. And such blanks shall also be supplied to the Inspectors whenever a special election is ordered. In no case other than those named in this Section shall such blanks be used, and immediately after every election the Inspectors shall return all unused blanks to the Minister.

SECTION 61. For the purpose of voting, the Chairman shall fold the ballot twice, first across the middle so as to form a rectangle, and again in the same manner and in the same direction, and in such manner as to conceal the contents thereof, and thus folded shall hand it to the voter.

SECTION 62. When any one offering to vote shall show himself entitled to vote, the Chairman of Inspectors shall deliver to such voter a ballot or ballots for Representatives or Nobles, as the case may be, properly folded as herein provided.

SECTION 63. The Inspectors of Election may, and upon request shall, explain to the voter the mode of voting.

SECTION 64. Upon receiving the ballot so prepared as aforesaid the voter so receiving the same shall forthwith proceed into one of the compartments provided for the purpose, and shall then and therein mark his ballot in the manner described in the directions posted up in and about the polling place as aforesaid, by marking a cross on the right hand side opposite the name or names of the candidate or candidates for whom he desires to vote (thus, X) in the space herein provided for this purpose. He shall then refold the ballot or ballots in the same folds as it or they were handed to him by the Chairman of Inspectors, and leaving the compartment shall without delay and without showing or in any way displaying the contents of the ballot to any one, deliver such ballot, or ballots, so folded to the Inspector of Election in charge of the ballot boxes, who shall not open or unfold the same, but shall examine the ends of the same sufficiently to be satisfied that there is but one ballot enfolded, whereupon the ballot or ballots shall be immediately dropped into the proper box or boxes.

SECTION 65. No voter within the polling place shall exhibit his ballot to any other person ; nor shall any person in the polling place look at or ask to see the

contents of the ballot of any voter, nor shall any person within the space set apart for a polling place attempt to influence a voter in regard to the ballot he shall cast.

OF CHALLENGING VOTERS.

SECTION 66. It shall be the duty of any Inspector of Election, and of any bystander, to challenge any person offering to vote whom such Inspector or bystanders shall know or suspect is not qualified to vote.

SECTION 67. Whenever any person's vote is challenged, one of the Inspectors shall state to him the cause of such challenge, and shall then swear such person in substance according to the form of oath hereunder set forth. After such oath is administered, an Inspector or the person challenging, shall put questions for the purpose of ascertaining whether the proposed voter is duly qualified.

“ You do solemnly (or affirm) that you will true answer make to all such questions as shall be put to you touching your right to vote for (Noble or Representative as the case may be) at the present election.”

SECTION 68. If such person shall refuse to be sworn as aforesaid or being sworn, shall refuse to answer any proper question (of which the Inspector shall be judge), his vote shall be rejected.

SECTION 69. Any person taking the oath prescribed in Section 67, and wilfully making false answers to any question put to him thereunder, shall be guilty of “Perjury” in the second degree.

SECTION 70. When any voter is in any balloting

compartment for the purpose of marking his ballot, no other person shall be allowed to enter the compartment or to be in any position from which he can observe the mode in which the voter marks his ballot.

SECTION 71. No person who has received a ballot shall take the same out of the polling place, and if any person having so received a ballot leaves the polling place without first delivering the same to the Inspector of Election as provided above, he shall thereby forfeit his rights to vote, and the Chairman of the Inspectors shall cause a record to be made of such proceeding.

SECTION 72. Any voter who declares to the Chairman of Inspectors that by blindness or other physical disability he is unable to mark his ballot, (X), shall upon request, receive the assistance of one of the Inspectors of Election in the marking thereof. The presiding officer may, in his discretion require such declaration of disability to be made by the voter under oath before him, and he is hereby qualified to administer such oath.

SECTION 73. If any voter spoils a ballot he may successively obtain others, one at a time, not exceeding three in all upon returning the spoiled one. The ballots thus returned shall be immediately cancelled, and together with those not distributed to the voters, shall be preserved and with the checked list used by the Inspectors of Election, which shall be certified by them to be such, shall be secured in an envelope, sealed, and sent to the Minister of Interior as required by Section 83, in the case of ballots cast, and the Electoral Roll used.

SECTION 74. Immediately after the close of the polls, the Chairman of the Inspectors shall open the ballot box and proceed to count the votes as follows : First, the whole number of ballots must be counted, to see if their number corresponds with the number of votes cast, as recorded by the Inspectors. If their number overruns, the Inspectors shall replace all the ballots in the ballot box, close, lock, and shake the same so as to thoroughly mix the ballots ; the box shall then be open and a cloth laid over it, and the Chairman of the Inspectors (or in case of inability, or unavoidable absence of the Chairman, one of the Inspectors) having previously held up his open hand with the arm bared to the elbow, shall introduce his hand under the cloth covering the ballot box and draw therefrom, without looking, one ballot at a time, until the number of ballots in the ballot box is reduced to correspond with the number of names on the Inspectors' record. The Inspectors shall then proceed to ascertain the result of the election.

SECTION 75. If the number of ballots correspond with the number recorded by the Inspectors as having voted, they shall then proceed to examine and count the ballots.

Provided :

1. If more names are voted for on a ballot than there are offices to be filled ; or,
2. If the ballot contains any mark or symbol whereby it may be identified ; or any mark or symbol contrary to the provisions of law ; or,
3. If two or more ballots are found in the ballot box so folded together as to make it clearly evident that more than one ballot was put in by one person ; or,

4. If such ballot in any other way be contrary to the provisions hereof; then such ballot and all it contains must be rejected. But no ballot shall be rejected for containing a less number of names than authorized to be voted for.

SECTION 76. All questions as to the validity of any ballot shall be decided immediately, and the opinion of a majority of the Inspectors shall be final and binding, except as hereinafter provided as to contested election cases. The word "rejected" shall be endorsed on each ballot, which shall be held invalid as aforesaid. All such indorsements shall be made by the Chairman of the Inspectors on the back of the ballots with the date and initials or name of the Chairman signed.

SECTION 77. The names on the ballots not rejected, with the office designated for each, shall be read in a loud, clear voice by one of the Inspectors, and a record thereof shall be made at once by the clerk, if there be one, and one of the Inspectors.

DECLARATION OF RESULT.

SECTION 78. When the Inspectors have ascertained the number of votes given for each candidate, respectively, they shall make public declaration of the whole number of votes given in, the names of the persons voted for, and the number of votes for each person; and the Chairman of Inspectors shall cause to be made a fair record of the same, which shall be signed by the Inspectors and forwarded to the Minister of the Interior.

DISPOSITION OF ELECTION RECORDS.

SECTION 79. At the completion of the count after the close of the polls, and the public announcement of the

same, the Inspectors shall, in the presence of the candidates or their agents, make up into a packet, sealed with their own seals and the seals of such candidates or agents of candidates who may desire to seal the same, all of the ballots used in the said election, both those which may have been rejected as well as those counted, and all cancelled ballots and inscribed "ballots used" with precinct or district and date, and shall place the same, together with the Electoral roll, or list, used at the polling place, in a packet properly marked on the outside with the name and title of the Minister of the Interior, and a description of the contents thereof, as follows: "Records of Election for 18..., District of, Island of.....," and shall immediately forward the same to the Minister of the Interior.

SECTION 80. In the case of the failure of the election of a Representative in consequence of the equality of votes between two or more candidates, a return in accordance with the facts shall be made forthwith to the Minister of the Interior and a new election for such District shall be held and duly proclaimed by the Minister.

CERTIFICATE OF ELECTION.

SECTION 81. In those districts where there is only one polling place the Inspectors shall deliver a certificate to the candidate for Representative who has received the greatest number of votes for that office, in the form hereunder set forth. In those districts where there are two or more polling places, such certificate shall be signed by the Chairman of each Board of Inspectors. The Inspectors shall also immediately trans-

mit to the Minister a duplicate of certificate which shall be an original certificate of election for the person whose name is therein set forth.

CERTIFICATE OF ELECTION OF REPRESENTATIVE.

“ We.....and.....and.....
 Inspectors of Election for the....District of the.....
 Judicial Circuit, do hereby certify that.....
 was duly elected Representative for said District on the
day of.....in the year.....

Given under our hands this....day of.....
 in the year.....

.....

SECTION 82. It shall be the duty of said Inspectors, upon ascertaining the number of votes given for each candidate for Noble to immediately transmit to the Sheriff of the Island or to the Marshal on the Island of Oahu, a certificate of the number of such votes signed by each of them. A copy of such certificate shall also be sent to the Minister of Interior.

SECTION 83. It shall be the duty of such Marshal or Sheriff, immediately upon receiving the returns of election for Nobles from all of the precincts, to ascertain the result and tabulate the returns. When it shall be ascertained who are elected, by reason of the number to be elected having received the largest number of

votes, such persons shall each receive a certificate of election signed by such Marshal or Sheriff, in form hereunder set forth, certificate for Nobles. A copy of such tabulated return shall be transmitted to the Minister of the Interior, together with a duplicate of each certificate of election, which shall be an original certificate for the person whose name is therein set forth.

CERTIFICATE OF ELECTION OF NOBLE.

I.....the Sheriff of the.....
Election Division of..... (or as the case
may be the Marshal of the Kingdom) do hereby certify
that.....was duly elected a Noble
for the Election Division of.....to serve
for the term of.....years from the.....day of
.....18....

Given under my hand and seal of my office on this
....day of.....18....

.....
Sheriff of.....

(or Marshal of the Kingdom).

OF VACANCIES, ANNULING ELECTIONS, ETC.

CAUSES OF VACATING SEAT.

SECTION 84. The seat of any elective member of the Legislature shall become vacant whenever such member shall become a Cabinet Minister or shall die, resign, or become disqualified by conviction of any of the offenses by which persons might be disqualified from being elected; by his being convicted of a violation of

any of the provisions of this Act which entail a forfeiture of his seat; by gross misconduct or neglect of the business for which he was elected, or by continued unexcused absence from the daily meetings of the Legislature, whereof the Legislature alone shall judge; by falling below any of the requirements necessary for an elective member of the Legislature; or by reason of any bribery or fraud of such member or his agent, whereby his election might be vitiated; and by reason of the election of another for the seat.

ANNULLING ELECTIONS.

LEGISLATIVE PROCEEDINGS.

SECTION 85. The Legislature may take notice of any vacancy, or alleged vacancy, and proceed accordingly, without petition or motion from without, or such notice may be taken upon petition from the district the seat whereof is alleged to be vacant; which petition shall be signed by not less than thirty voters of the district, and it shall set forth any cause or causes alleged for such vacancy. The question of any vacancy or dispute thereon shall be duly examined and full evidence on all matters pertaining thereto shall be taken, and if it be found that the seat is vacant, or ought to be so declared, it shall be so declared by the Legislature, and a new election shall immediately be ordered by the Minister of the Interior, upon receiving notice of such vacancy from the President of the Legislature.

SECTION 86. Whenever any vacancy shall occur while the Legislature is not in session, by death, resignation or otherwise, the Minister of the Interior shall cause a special election to be held, as hereinbefore required.

Any special election shall conform, in all respects, except as otherwise provided herein, to the regular biennial elections held under the provisions of this Act.

ANNULLING ELECTIONS.

PROCEEDINGS IN COURT.

SECTION 87. In addition to the methods hereinbefore set forth for vacating any seat in the Legislature, any candidate, or any thirty persons who have voted, or were entitled to vote in the district, may file a petition addressed to the Chief Justice of the Supreme Court, setting forth any cause, or causes, why an election shall be vacated or a seat be declared vacant. Such petition shall be filed in the office of the Clerk of the Supreme Court within thirty days following an election, and prior to the hearing thereon the Clerk shall receive a deposit of such costs as may be necessary in the case. The hearing may be had before any Justice of the Supreme Court, and shall be held in the Judicial Circuit wherein the election is disputed. Provided, however, that the Supreme Court shall have no jurisdiction over any such case during the session of the Legislature.

PROCEEDINGS.

SECTION 88. A notice of not less than fourteen days shall be given to the Inspectors of such election as may be contested, and to the candidate who shall have been returned, or whose seat is contested, and to any others whose rights or interests are particularly affected, who shall be designated by the Chief Justice of the Supreme Court. Besides such notice, a written or printed notice

shall be likewise posted in the district, or published in some newspaper circulating in the district, for not less than ten days prior to such hearing.

SECTION 89. No person who has voted at any election shall in any legal proceeding, be required to state for whom he has voted.

HEARING.

SECTION 90. At the hearing the Justice shall cause the evidence to be reduced to writing in full, or sufficiently to ascertain all of the facts involved, and shall thereupon give judgment, stating all of his findings of fact and the law thereupon, which shall then be transmitted in full to the Minister of the Interior, provided no appeal shall be taken. If such finding shall be that the election was invalid, and the seat therefore vacant, a new election shall at once be ordered by the said Minister.

COSTS AND APPEAL.

SECTION 91. Such award as to costs in such proceedings shall be made as the Court hearing the case shall determine. Costs shall be the same as in trials in the Supreme Court in Chambers. The decision in all respects shall be subject to appeal to the Supreme Court in Banco, which shall without delay, hear such appeal and render a decision thereon, and such decision shall be transmitted to the Minister of the Interior. If such finding shall be that the election was invalid, and the seat therefore vacant, a new election shall at once be ordered by the said Minister.

SECTION 92. In case either the Supreme Court or the Legislature shall, by final conclusion of judgment,

declare vacant the seat of any member, such conclusion or judgment shall be final and binding upon all parties.

RULES.

SECTION 93. The course of proceedings shall be as at Chambers of the Supreme Court, and subject to the rules of the Supreme Court, the Justice shall have like powers as in trials at a regular term of the Court, as to the compelling the attendance of witnesses, punishing contempts and in all other matters pertaining to such hearing.

SECTION 94. The following compensations shall be paid by the Minister of the Interior out of such appropriations as may be made by the Legislature for election purposes unless otherwise specially provided for :

1. The Electoral Registrar, the Inspectors of Election and the clerks of Election shall receive five dollars for each day of service ;

2. The Special Police to preserve peace at election shall receive three dollars for each day of service ;

3. The necessary expenses of the officers and Inspectors of Election, which shall be regulated and limited by the Minister.

JURISDICTION TO TRY OFFENSES.

SECTION 95. Any offense constituting a "corrupt practice" shall be tried only upon indictment. Jurisdiction is hereby conferred upon Police and District Magistrates to hear and determine all offenses constituting an "illegal practice," "offenses of public officers" and "misdemeanors" under this Act, subject to the right of appeal as allowed by law. Any person on trial

for any offense by this Act specified may be found guilty of a lesser offense of the same nature, or as defined by the Penal Code.

PROVISIONS FOR PRESERVING THE PURITY OF ELECTIONS.

SECTION 96. Offences against this Act are divided into four classes, to-wit: "Corrupt practices," "illegal practices," "offenses of public officers" and "misdemeanors," as hereinafter defined.

CORRUPT PRACTICES.

SECTION 97. The following persons shall be deemed guilty of "corrupt practices:"

1—Every person who shall directly or indirectly, personally or through another, give, lend, agree to give or lend, or promise to procure or to endeavor to procure any money or valuable consideration to or for any elector, or to any person for an elector, or to or for any person in order to induce any elector to vote or refrain from voting, or shall do such act on account of any persons having voted or refrained from voting at any election ;

2—Every person who shall directly or indirectly, personally or through another, give or procure, or agree to give or procure, or offer, promise, or promise to procure, or endeavor to procure any office or place of employment to or for any elector, or to or for any person on behalf of an elector, or to or for any other person in order to induce such elector to vote or refrain from voting, or shall do any such act as aforesaid on account of any elector having voted or refrained from voting at an election ;

3—Every person who shall directly or indirectly, personally or through another, make any such gift, loan, offer, promise, procurement or agreement as aforesaid ; or to or for any person in order to induce such person to procure or endeavor to procure the election of any person to serve in the Legislature ; or to procure the vote of an elector at any election ;

4—Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise or endeavor to procure the election of any person to serve in the Legislature, or to procure the vote of any elector at any election ;

5—Every person who shall advance or pay, or cause to be paid, any money to or to the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any election ; or who shall knowingly pay, or cause to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election ;

6—Every elector who shall, before or during any election, directly or indirectly, personally or through another, receive, agree or contract for any money, gift, loan or valuable consideration, office place or employment for himself or any other person, for voting or agreeing to vote, or from refraining to vote, or agreeing to refrain from voting ;

7—Every person who shall after any election directly or indirectly, personally or through another, receive any money or valuable consideration, on account of any person having voted or refrained from voting, or having

induced any other person to vote or refrain from voting at any election ;

8—Every candidate at any election who shall, personally or through another person, or by any ways and means on his behalf, directly or indirectly, give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay wholly or in part any expenses incurred for any meat, drink or entertainment or provision to or for any person in order to be elected, or for being elected, or for the purpose of influencing such person or any other person to give or refrain from giving his vote at such election, or on account of such person having voted or refrained from voting, or being about to vote or refrain from voting at such election ;

9—Every person who shall directly or indirectly, personally or through another, make use of, or threaten to make use of, any force, violence or restraint, or inflict or threaten to inflict any injury, damage or loss in any manner, or in any way practice intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting at any election, or on account of such person having voted or refrained from voting, or who shall by abduction, distress or any fraudulent device or contrivance impede, prevent or otherwise interfere with the free exercise of the elective franchise.

10—Every person who, at any election, attempts to vote in the name of any other person, living or dead, or some fictitious name, or who, having once voted, votes or attempts to vote again, or knowingly gives more than one ballot at one time of voting ;

11—Any person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at an election ;

12—Every person who induces or procures any person to withdraw from being a candidate at an election in consideration of any payment or gift, or promise of any payment or gift, or of any threat, and every person who withdraws in pursuance of such inducement or procurement.

PUNISHMENT FOR CORRUPT PRACTICES.

SECTION 98. Every person found guilty of any “corrupt practice” shall be punished by a fine not exceeding one thousand dollars, or by imprisonment at hard labor for any term not exceeding two years, or by both such fine and imprisonment at the discretion of the court. Besides such punishment, such person shall be disqualified from voting for six years, or from holding any office under the Government for a like term, or from being elected to or occupying a seat in the Legislature for six years, and any such office, either appointive or elective, shall be at once vacated by such conviction. The clerk of the court where such conviction is had shall also transmit to the Minister of the Interior and to the President of the Legislature the name of such person, the offense of which he has been convicted, and the sentence of the court.

ILLEGAL PRACTICES.

SECTION 99. The following persons shall be deemed guilty of “illegal practices :”

1—Every person who shall, for the purpose of promoting or preventing the electing of a candidate at any

election, be engaged or employed for payment or promise of payment to act as agent, clerk or messenger, except that the following persons may be legally employed for payment by any candidate, viz.: (1.) One watcher for each ballot box and one messenger for each polling place on election day, and no more. (2.) Clerks and messengers for conducting business in committee rooms, not exceeding one clerk and one messenger for each polling place in the district, or to act as committee man, canvasser, runner, watcher, guard or detective; to act or render service in any capacity whatever, except one for which payment is authorized by Section 49 of this Act;

2—Every person so engaging, hiring, agreeing to hire or pay another for any such service, or, after the same has been rendered, offering or agreeing to pay therefor, or to give or procure any reward of value for the same;

3. No payment or contract for payment shall, for the purpose of promoting or procuring the election of any candidate at any election, be made of bands, torches, flags, banners or other distinctive mark or favor; for exhibiting bills, addresses, posters or other printed, written or painted device; or for the use of any building or portion of any building or structure for such purpose, excepting only as permitted by Section 49. If any payment, or contract for payment, for any purpose set forth in this Section shall be made either before, during or after an election, both the person paying or offering to pay or contract for payment, either personally or through another, and the person who is to receive said payment shall be deemed guilty of an "illegal practice;"

4. Any premises licensed for the sale of beer, wines or spirits, or any part of such premises, shall not be used as a committee room for the purpose of promoting or procuring the election of a candidate at any election. If any person hires or uses any such premises or part of premises for such purposes, both such person and the one letting such premises or part thereof shall be deemed guilty of an "illegal practice."

PUNISHMENT FOR ILLEGAL PRACTICES.

SECTION 100. Every person found guilty of an "illegal practice" shall be punished by a fine not exceeding five hundred dollars, or by imprisonment at hard labor for any term not exceeding one year, or by both such fine and imprisonment at the discretion of the Court, and shall, besides, be disqualified for two years from voting at any election, or from holding any office of trust or profit under the Government for a like term, or from being elected to a sitting in the Legislature for four years; and if such person at the time of such conviction hold any such office or shall be a member of the Legislature, or shall have been elected thereto, such office or such seat shall at once be vacated.

The Judge or Magistrate before whom such conviction is had, shall at once transmit to the Minister a report of such conviction with the sentence imposed to be placed before the Legislature, if in session, or at the next following session.

OFFENSES OF PUBLIC OFFICERS.

SECTION 101. Every public officer required by this Act to do or perform any act or thing with reference to any of the provisions of this Act, who shall wilfully fail, neglect or refuse to do or perform the same, or who

shall wilfully perform it in such a way as to hinder the objects of this Act, or who shall be guilty of any violation of the provisions of this Act, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment at hard labor for any term not exceeding two years, or by both such fine and imprisonment at the discretion of the Court; and shall also be disqualified for three years from holding any office under the Government, or from sitting in the Legislature, or from voting, and shall also be liable to pay damages to any person injured.

SECTION 102. Any person holding any position of trust or profit under the Government who shall, either personally or through another, for pay or without pay, act as a runner, committee man, clerk, secretary, or in any other capacity, for the purpose of procuring or assisting in the election of any person except as a voter, and in casting his vote, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment at hard labor for any term not exceeding six months, or by both such fine and imprisonment in the discretion of the Court. Besides the said punishment, the office of such person shall be at once vacated, and such person shall be disqualified for three years from holding any office under the Government, and from voting at any election, and from sitting in the Legislature. The provisions of this Section shall not, however be construed to apply to Cabinet Ministers so as to preclude them from publicly or privately making oral or written statements of the policy of the administration.

MISDEMEANORS.

SECTION 103. The following persons shall be deemed guilty of a misdemeanor :

1—Any person who shall be disorderly or create a disturbance whereby any meeting of the Inspectors herein prescribed or provided for shall be disturbed or interfered with, or whereby any person who intends to be lawfully present at such meeting for the purpose of registering or correcting the Register or Electoral Roll is prevented from attending, or who shall in like manner cause any disturbance at any election, and all persons so assisting or aiding or abetting ;

2—Any candidate who fails or neglects to furnish the list prescribed in Section 48, or the sworn statement prescribed in Section 49 ;

3—Every person who without any authority sends in any claim to have the name of any person entered on the Register or the Electoral roll or voting list, or attaches the name of any other person to any such claim in order to make it appear as the claims of such person, or procures the name of any other person to be entered upon the Register, or the Electoral roll or voting list ;

4—Every person who shall, either in person or through another, in any manner break up or prevent the holding of any meeting of the Inspectors as herein prescribed or provided for, or in any manner break up or prevent the holding of any election.

SECTION 104. Any person convicted of a misdemeanor under the provisions of this Act shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment at hard labor not more than six months, or by both such fine and imprisonment, in the discretion of the Court.

SECTION 105. Chapter LXXVI. of the Session Laws of 1888, being an Act entitled "An Act to Amend and Consolidate the Election Laws of the Kingdom," is hereby repealed.

SECTION 106. Such repeal shall not impair or affect any Act or thing done, or any right accruing, accrued or acquired, proceedings taken, penalties and liabilities incurred, appointments, orders, proclamations and regulations made and boards constituted under the said repealed law, and all matters civil and criminal commenced by virtue of the law so repealed and pending on day of, 18...., may be prosecuted and defended to final effect in the same manner as they might under the laws existing on day of , 18...., unless it shall be otherwise specifically provided by law.

SECTION 107. Any persons who when this Act takes effect shall hold any office under said Act hereby repealed shall continue to hold the same according to the tenor thereof and the power to him granted until their successors shall be appointed and qualified, except those offices which have been abolished and those as to which different provisions shall have been made by law.

INSTRUCTIONS TO VOTERS.

SECTION 108. 1—The voter is to vote for one candidate for Representative. The voter is to vote for candidates for Nobles.

2—The voter immediately upon entering the polling place shall proceed to the table of the Chairman of Election and there identify himself as entitled to vote.

Thereupon he shall receive from the said Chairman a folded ballot, or ballots, if he is also entitled to vote for Noble.

3—Immediately upon receiving his folded ballot, or ballots, from the Chairman of Elections, the voter must go into one of the compartments, and with the pencil provided in the compartment mark a cross on the right hand side of the ballot paper opposite the name of the candidate for whom he wishes to vote in the place marked therefor, thus : (X).

4—The voter is then to re-fold the ballot just as he received it from the Chairman of Inspectors, and thus folded deliver it to the Inspector of Election in charge of the ballot boxes. Thereupon the voter is to leave the polling place forthwith.

5—If the voter inadvertently spoils the ballot paper he may return it to the Chairman of Elections, who shall thereupon give him a new ballot. No voter shall be allowed to return to the Chairman more than two spoiled ballots.

6—If the voter marks on his ballot more than one candidate for Representative or more than candidates for Nobles, or places any mark on the ballot by which it may be identified his vote will be void, and the vote will not be counted.

7—No voter is allowed to take a ballot outside of the polling place.

8—If the voter hands to the Inspector in charge of the ballot boxes any other ballot than the one given him by the Chairman, his ballot shall be void.

9—The Minister of the Interior may add new instructions to these if he thinks it necessary or advisable.

SECTION 109. This Act shall take effect on the 1st of January, 1891.

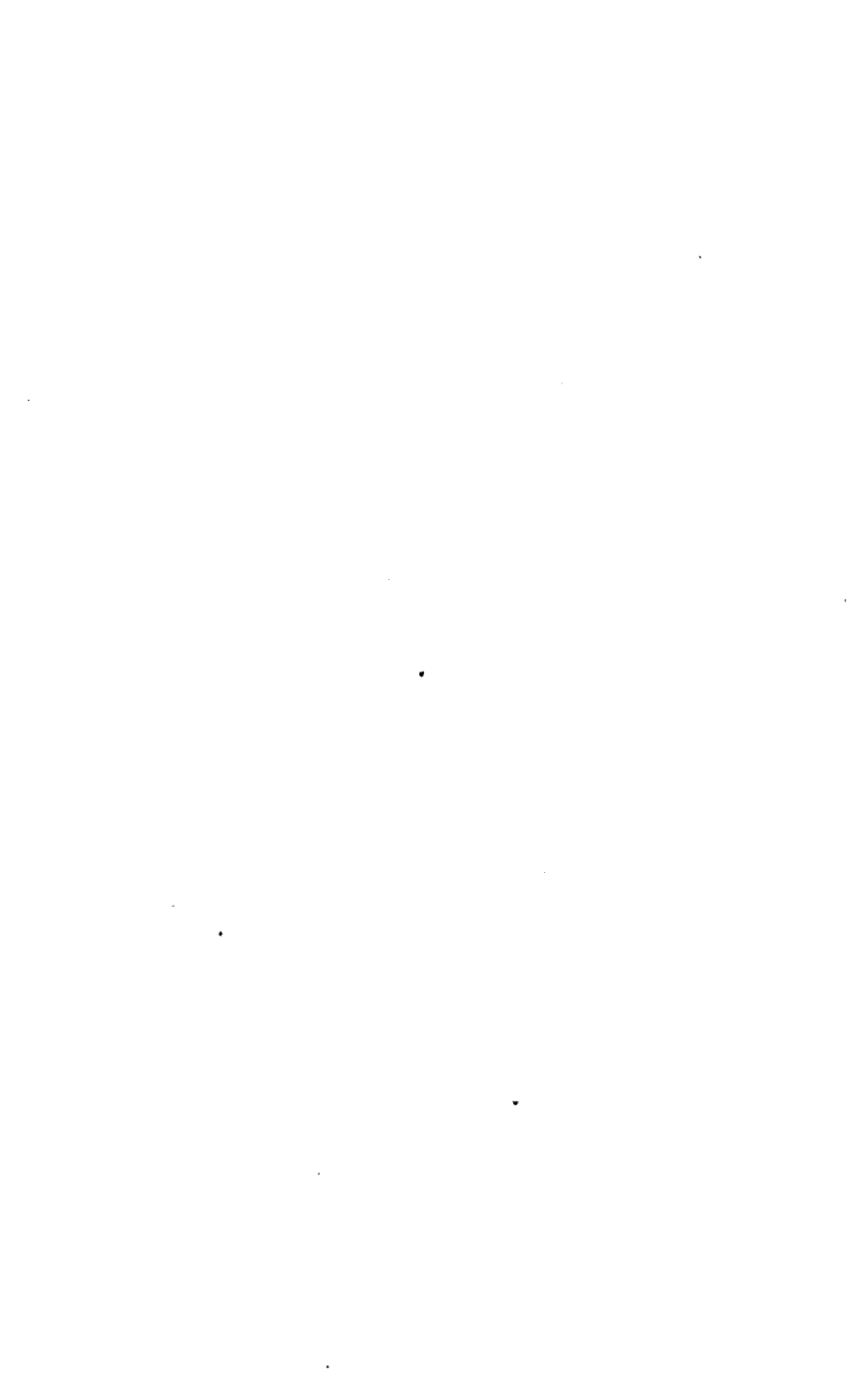
Approved this 14th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING:

C. N. SPENCER,

Minister of the Interior.



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